

BOSTON PUBLIC LIBRARY



3 9999 06572 634 9

.276

N^o 4449. 246



GIVEN BY

*Exchange
Cossitt Library.*



Digitized by the Internet Archive
in 2014

E

~~Aug~~

In Memory

OF

4449. 276

HENRY THOMAS ELLETT.

PRINTED BY ORDER OF THE MEMPHIS BAR.

MEMPHIS:
1888

BOSTON PUBLIC LIBRARY

In Memory

OF

4449.276

HENRY THOMAS ELLETT.

PRINTED BY ORDER OF THE MEMPHIS BAR.

MEMPHIS:

1888

C

In Memoriam.

The Day is done, the pulses of the Night
Beat through her veil in darkness—and the scythe
Rests where it cleft the ripest golden grain;
The bowl is shattered, and the silver cord
Drops idly on the jangled harp of life,
That thrilled with all its fullest melody,
Broke—with the hand of silence on its strings.
The destiny is carved—the earnest grasp
Is loosened, and the useless chisel falls;
Adown the life its simple grandeur gleams—
And he who wrought so wisely, and so well,
A bulwark in the raging surge of War,
A gentle arbiter in quiet peace—
So full of years, so full of honors thrust
By eager hearts upon his noble age,
Is fallen—with the mellowed Autumn leaves.
No more the open glance, the greeting smile,
No more the earnest pressure of the hand;
A Silence thrills the halls that knew his voice,
And Vacancy has filled the honored chair!

October 19, 1887.

VIRGINIA FRAZER BOYLE.

Boston Public Library,

Exchange from

Cossitt Library

April 1.1900,~

HON. H. T. ELLETT.

A Distinguished and Conscientious Jurist Passes Away—Sudden Death While Listening to President Cleveland's Response to His Own Beautiful and Eloquent Speech of Welcome.

One of the saddest incidents that ever characterized a gala occasion occurred shortly after 11 o'clock yesterday morning. Thousands of people were collected in and around Court Square to listen to words of welcome addressed to President Cleveland, throw their souls into the sentiment, and hear the response of the people's guest. The Hon. Henry T. Ellett, Chancellor of Shelby County, was orator of the occasion, and brought all his great learning and eloquence into play in the effort. In both these attributes he is a wonderful master. His oration was as follows :

JUDGE ELLETT'S SPEECH.

“MR. PRESIDENT—A very agreeable duty has been assigned to me as the representative of the whole people of Memphis [applause], in their name and behalf, to extend to yourself and the distinguished party by whom you are accompanied a most cordial and hearty welcome. To present to you, not symbolically only, but in the most practical and substantial manner, the freedom of the city, and to assure you of the great gratification your presence affords. Our invitation, sir, was not prompted by any mere motive of curiosity or love of display, but was dictated by a sincere desire to pay to the Chief Magistrate of the Union, here, at our home, the respect and consideration due to his high office, and to offer the tribute of our high regard and esteem to the man who has been called by the people to that exalted position, and whose whole career furnishes so bright an example for the imitation and emulation of the youth of our American Union. We felt, too, that we might take some just pride in showing to you our growing and enterprising city, which, though not rivaling in splendor and population and wealth the ancient

city from which it has derived its name, or perhaps even some of the great cities of our land which you have recently visited, is nevertheless not destitute of objects of interest and attraction.

“Memphis is built on one of those peculiar formations known as the Chickasaw Bluff, and it stands almost in sight of the very spot where, 350 years ago, the eye of civilized man first rested upon the waters of yonder mighty river. [Applause.] Situated near the northern boundary line of the great cotton belt, surrounded by a territory of unsurpassed fertility and unbounded resources, and being, as it is, practically at the head of navigation during a considerable portion of the year, it bids fair soon to become the largest cotton market of the South. [Applause.] Time will not permit me to speak of the marvellous recuperation of our city from the terrible calamity that fell upon it a few years ago, or of its subsequent growth, of the extension of its railway system, of the multiplication of its manufactures, of its fine buildings, of its increase in every department of industry, or of its admirable form of municipal government. It is enough to say that with all its natural advantages of situation, with its facilities of intercommunication with all the ports of the country, with its fine, mild and genial climate, and the enterprise of its citizens, Memphis is sure of a bright career of prosperity, and will soon become an important center of wealth and business and population.

“Mr. President, you have recently participated in the hundredth anniversary of the formation of the constitution of the United States, and you have beheld the multitudes of our fellow-countrymen flocking together from the neighboring States to the spot where that grandest monument of human wisdom was formulated, and renewing their vows of fealty at its shrine. It may not be inappropriate for me to say that the Southern heart was in sympathy with that interesting occasion. [Applause.] Nowhere in all this land will you find more loyalty to the constitution of the United States, and to the government created by it, than among the people of the Southern States. [Applause.] Differences of opinion about its construction and true theory existed from its very creation, and

controversy has often been angry and bitter. One great and important interest, in the progress of things, became sectionalized, and out of it arose questions of constitutional interpretation which were regarded by the Southern people as so vital to their rights and interests that they eventually committed their solution to the arbitrament of arms. But, Mr. President, they have bowed to the stern logic of events, and without any abatement of their manhood, or compromise of their honor, they have frankly accepted the result of that struggle as a final settlement of all the questions in dispute [applause], and they have since labored with rare courage and fortitude and cheerfulness to accommodate themselves to the circumstances of their new condition, to reconstruct their broken fortunes, and contribute all they can to the general welfare and prosperity of the country. [Applause.] As one result of this struggle, the theory of the right of a State to withdraw from the federal compact was overthrown, and the indestructibility of the American Union has been established on the firmer foundation. The chief element of discord has been removed forever, and hereafter, when any abuses or grievances shall arise from the operations of the Federal Government, remedy is to be sought within the pale of the Union and under the form of established law.

"We have come to realize that American liberty, the highest form of human freedom, can only be fully enjoyed in the American Union and under the American constitution. [Applause.]—Indeed, it may be said the sentiment expressed by Mr. Webster on a memorable occasion has become imbedded in the constitutional law of America: 'Liberty and union, now and forever, one and inseparable.' [Applause.]

"It has seemed to me to be proper, Mr. President, that, as the President of these United States, you should hear these sentiments expressed, here, in the heart of the Southern States, in the presence of this concourse of Southern people. [Applause.] There is no one in all this vast multitude who will repudiate or gainsay them. Indeed, we have come to feel that this Union is our Union [applause]; that its bright and starry banner, under which these veterans of the Mexican war [applause] once marched to glory, is our banner; that

its Chief Magistrate is our President, and that its destiny, for weal or for woe, is the common destiny of us all. [Applause.]

“There is one distinguishing feature of this occasion which invests it with peculiar interest. Heretofore the Presidential progresses have been usually of a political character, and they have been without the great charm which the presence of women affords them. In these respects the present occasion is exceptional. We all rejoice that you are accompanied here by Mrs. Cleveland. [Applause.] She is here as our invited guest, and we are glad of the opportunity to lay at her feet our tribute of homage and admiration. [Applause.] To her fair countrywomen her presence is especially gratifying. They are proud to have such a representative of their sex as the presiding spirit of the Executive Mansion and as the head of society at the National Capital. [Applause.] They are proud to know that in the discharge of all her duties she constantly wins golden opinions from all sorts of people. [Applause.] I beg you, Mr. President, in the name and in the behalf of the ladies of Memphis, to present to her their cordial and respectful salutation, and to assure her of the great pleasure which it gives them to receive her and extend to her the courtesies due to her exalted station as well as to herself as a woman. Their earnest prayer is that all her ways may be ways of pleasantness, and all her paths may be paths of joy. It is the common desire of us all that the residue of your proposed journey may be safe and prosperous, and that you may long continue to enjoy health and happiness.” [Great applause.]

During the delivery of Judge Ellett's address of welcome, President Cleveland, his wife and escorting party remained standing. When Mr. Cleveland, from his original position, began his response, the orator of the occasion remained motionless, and held his eyes steadfastly toward the face of the speaker. Mr. Cleveland proceeded as follows:

PRESIDENT'S RESPONSE.

"From the sight-seeing in the wonderful West, I have come to be still more surprised in the South. From marvellous growth, I have come to see not only marvellous growth, but astonishing recuperation. [Applause.] The city of Memphis does not represent new settlement nor recent municipal creation. Her history is a long one, full of vicissitude and of discouraging incident. The largest city in Tennessee, her early growth illustrated the activity and the enterprise of her people; her decadence, their fortitude, and her renewed growth, their faith and unflagging industry and perseverance. [Applause.] The active trade upon your streets and in your exchanges tells only the tale of one of the largest cotton marts in the world, and one of the most flourishing and prosperous of Southern cities. [Applause.] Scarcely a trace is to be seen of the trials and the discouragements through which she passed in gaining her present position; and yet, in 1862, when with steady growth she had attained a population of 30,000, the city was occupied by a military force, and for four years thereafter was held as a fortified camp. During this time her people were scattered and her growth was checked. At the close of the war the people returned to their homes and courageously set about repairing the damage of war and military occupation, and although within ten years after that time the city was twice visited with yellow fever, even through these visitations her people struggled on, bound to overcome. [Applause.] In 1878, when apparently she was again on the high road to lasting prosperity, its terrible scourge again visited this devoted city with more virulence than ever before.

"No one can wonder that in the renewed presence of this calamity her people fled for their lives. Of a population of 40,000 but 20,000 remained, and of these more than 5,000 died of the terrible epidemic within two months and a half. In this somber picture let us contemplate for a moment one bright spot, lighted up with the spirit of brotherly love and illuminated by the sympathy of a generous nation. From every section of the country, far and near—from the North and from the South—there came prompt and cheerful aid,

furnishing help and alleviating distress. Our whole nation was touched by your sufferings, and the noblest traits of national character were quickened by your calamity.

"When the citizens again returned to their homes they found their business destroyed, and all that they had done was evaporated. They immediately, without losing a single iota of faith in the future destiny of their city, submitted to enormous taxation that its sanitary condition might be improved and that their fortunes might be regained. Soon a system of sewerage was inaugurated here which not only promised protection in the future from pestilence, but which became known to all the cities of the land for its completeness. Other improvements were made, and soon the citizens of Memphis saw their city forging ahead again to municipal greatness and prosperity.

"Her population, 30,000 in 1880, is now estimated at 70,000. Her merchants will this year have in their hands 700,000 bales of cotton, valued at nearly \$30,000,000. The products of her cotton seed mills are the greatest in the world, and her banking facilities and business keep pace with their immense industries. Thus have you at last overcome, and thus have you repaired the ravages of war and pestilence. You may well forget all other afflictions in the presence of the prospect and promise of the future, remembering only that in your direst calamity proof was given of the brotherhood of the American people. [Great applause.]

"The patriotic sentiments expressed by your honored fellow citizen in your behalf, I am sure I may say, are generously responded to by your fellow-countrymen of the North. [Applause.] They, I believe, want rest from sectional agitation. [Applause.] They know that the destiny of our nation can only be achieved by a union in sentiment and feeling, as well as in name. [Applause.] The business instincts of our people are too alert and too intelligent to be injured or destroyed by selfish appeals to passions which should be allayed."

At this point Judge Ellett, who had rapidly turned deathly pale, dropped heavily into the chair immediately in front of which he was standing, his head fell upon his breast, and

there was every appearance of something serious. Friends hurried to his side, among them Dr. Bryan of the touring party and Dr. Kennedy Jones. Restoratives were applied, along with other vigorous treatment, but without avail. The muscles of the unfortunate gentleman's arms contracted, his head was raised from his breast only to fall backward, his eyes were closed and he gave a few gasps. Chairman Estes announced that further proceedings in the square would be impossible, and that the distinguished party would proceed to the next appointment, the Cotton Exchange. Judge Ellett was placed upon the platform, his shoes removed, and all that mortal effort and medical science could suggest applied to bring resuscitation. It was useless. His spirit had fled. For the time the vast concourse, of those near enough to gather what had occurred, lost interest in the Presidential movement, and the police and committeemen found all they could do to keep them back from the platform. His remains were conveyed to his home on Shelby street in an express wagon, escorted by friends. His death is supposed to have been the result of an apoplectic fit.

It is not generally known, but President Cleveland and the members of his party first learned of the death of Judge Ellett after the train had passed Bartlett. Dr. Bryan knew, he stated, from the first that there was no hope for the afflicted gentleman, but, acting under advice from those conducting the reception, made no mention of it to anyone.

It is said Judge Ellett's wife was standing amid the throng in the square, talking to a friend, when the unfortunate victim was attacked and friends began pouring water in his face and fanning him. Mrs. Ellett, who knew not who it was, became very uneasy on account of the commotion. "I'm so sorry we came," she said. "I must hurry home." And without another word she turned and left the place. It was a melancholy coincidence.

To say the universal sentiment was one of the deepest regret would be stating a fact no one could deny. Among all classes of citizens the deceased was held in the highest esteem, both as a lawyer and high-toned Christian gentleman. As Chancellor, the vacancy caused will be irreparable.

Judge Henry T. Ellett was born in New Jersey about January, 1812. After securing his license to practice law, he came, a young man, to Mississippi, and settled at Port Gibson, Claiborne county, where he continued to reside until he left the State. He was married twice, his first wife being Miss Jennie Seelay, by whom he had four children, Henry Ellett, Jr., Joseph, Miss Kate, now Mrs. Jeffreys, living at Port Gibson, and another daughter, who afterward married Dr. P. B. Maury of this city, but is now dead. His second wife was a widow, Mrs. Stamp. By her he had four children, three sons and one daughter, Messrs. John, Edward and Maury, and Miss Sarah, all of whom, together with their mother, survive him. He was a member of the Mississippi Legislature for a number of years, being in the Senate longer than any other man. In 1846 Jefferson Davis was elected Colonel of the first Mississippi Regiment, serving in Mexico, and resigned his seat in Congress. Mr. Ellett won the title "Hon." by being elected to fill the unexpired term. He served, but positively refused to be a candidate for re-election. According to *Phelan's Life*, he was elected to the Mississippi Supreme Bench in 1863, but no courts were held until after the war, and he took his seat in 1866, holding through the June term of 1867. Then he, with other State officers, refused to take the iron-clad oath, and were compelled to resign. He and Judge William L. Harris, a late associate on the Supreme Bench, then moved to Memphis and began practice under the firm name of Harris, Ellett & Phelan. The death of Judge Harris resulted in a change of the firm to Ellett & Phelan, and another was necessitated by the death of Mr. Phelan, when the name became Estes, Jackson & Ellett. Later Mr. Jackson retired, leaving the firm Estes & Ellett. A few years ago this was dissolved. Mr. J. P. Houston became associated with Judge Ellett, and the firm name now bears those two names. He was a lifelong and positive Democrat, and during his residence in Mississippi frequently met the gifted S. S. Prentiss on the stump and hustings. He was a consistent Christian, being raised in the Presbyterian church, but his membership was in Calvary Episcopal church. *Memphis Appeal*, October 16, 1887.

THE BAR MEETING.

The members of the bar very promptly took action on the death of their brother lawyer, and called a meeting to take action on the sad affair at 4 p.m. The meeting was held in the United States court-room, in the Court House, and was well attended. Most prominent among the many were:

Judge J. S. Galloway, W. A. Collier, E. F. Adams, Congressman James Phelan, Judge L. H. Estes, B. B. Barnes, George B. Peters, Jr., Senator Isham G. Harris, Col. T. W. Harris, Judge R. J. Morgan, T. B. Edgington, F. P. Poston, George Gillham, Judge C. W. Heiskell, Maj. W. D. Beard, Gen. Luke E. Wright, U. W. Miller, L. Lehman, Judge J. L. T. Sneed, Judge B. M. Estes, Henry F. Dix, F. T. Edmondson, L. W. Humes, Judge Clapp, Gen. James R. Chalmers, S. J. Sheppard, Sterling Pierson, Judge J. J. DuBose, Col. Luke E. Finlay, Thomas M. Scruggs, F. H. Heiskell and Thomas H. Jackson.

From change of the place of meeting, Mr. Gantt and others waited at the Chancery court-room until it was too late to attend the meeting, and by change of time J. B. Heiskell came in near the close of the meeting.

Judge R. J. Morgan was asked to take the chair, and responded in a short speech, in which he said: "You are all aware of the reason we come together this afternoon. The death of Judge Ellett is a sad blow to the people of Memphis. I do not intend to make any lengthy remarks about our dead brother, but I may say that he was a man upon whose name not one spot could be found. He was a model man, whose great and noble deeds have made him loved by all who knew him. At some future time the members of the bar, through a committee, will make some appropriate resolutions."

F. P. Poston was appointed secretary of the meeting.

Judge Clapp, Judge Estes (Judge Ellett's former partner), Gen. Chalmers and Col. Harris spoke of the dead lawyer's virtues, and many a tear was silently brushed away.

The following committee was appointed to prepare resolutions on the death of Judge Ellett: C. W. Heiskell, B. M. Estes, W. M. Smith, Henry Craft, J. W. Clapp, S. P. Walker, L. W. Finlay, T. W. Harris and J. R. Chalmers.

On motion, it was resolved that the bar attend the funeral in a body.

The following committee was appointed to confer with the several societies and associations in the city regarding the resolutions: E. S. Hammond, H. M. Hill, C. F. Vance, L. E. Wright and E. B. McHenry.

The meeting then adjourned to meet next Thursday afternoon, at 4 o'clock, at the same place, when the Committee on Resolutions will make its report.

The remarks of J. W. Clapp were as follows:

"I recognize the fact, Mr. Chairman, that this is not the appropriate time to offer any extended remarks upon the event that has called us together, and I rise only to give brief expression to thoughts and feelings that force themselves upon me, leaving it to a future occasion for such deliberate action as may fitly signalize the appreciation of this bar and of the community of him whose death may well be deplored as a public calamity.

"My acquaintance with Judge Ellett is perhaps of earlier date than that of any other member of the Memphis Bar, and covers a period of more than forty years. During all that time he has been conspicuous alike in professional and public life, and whilst, as a leader, he was engaged in the most exciting contests of both a legal and political character, he was never, in word or deed, harsh or discourteous to an adversary, and I believe I may truthfully say he was the most perfectly self-poised man I ever knew. Profound in his knowledge of the law, consistent and able in politics, distinguished for his literary attainments, genial in his companionship and courteous to all, none better deserved the title of the model jurist and statesman and the model gentleman.

"Mr. Chairman, since my connection with this bar we have had occasion time and again to lament our loss in the decease

of one and another of our professional brethren, but never before was there a death which in its circumstances was so unique and so impressive as the one we now deplore. It would indeed seem that 'the last enemy' had selected the victim and the occasion best calculated to illustrate his despotic and resistless sway, and to make a mockery, as it were, of the trappings of human greatness and glory. In the presence of assembled thousands, and when the attention of the nation is directed to the spot where the Chief Magistrate is the center of attraction, he who had been honored by his fellow-citizens as their representative to present their greetings to the President, and whose position in the grand drama was second only to that of our illustrious guest, instantly, and without the slightest visible premonition, was pierced by the fatal shaft as by a flash of lightning from an unclouded sky, and expired without a struggle or a groan. Surely, sir, no more solemn warning could be given of our precarious hold upon 'the life that now is' and the urgent necessity of a preparation for 'that that is to come.' But, sir, I forbear to say more, whilst the promptings of the occasion would not allow me to say less."

Hon. Thomas W. Harris addressed the meeting as follows :

"MR. CHAIRMAN—Having known Judge Henry T. Ellett from an early period of my life, it would perhaps be improper for me to remain altogether silent upon this mournful occasion. Like all who knew him well, I have ever regarded him as one of the noblest, purest and best of men. In all the varied relations of life, whether as husband, father or friend, or the chosen representative of his people in the State or National Legislature, or clothed with the highest judicial stations in the gift of those 'who knew him best and loved him most,' his name and character were ever the synonym of truth, honor, virtue and integrity. He was not one among the vast multitude who sought fame and official distinction, but rather seemed to avoid than to court any public manifestation of popular approval. But, sir, when the fiat had gone forth, when the dark and gloomy banner of death was unfurled

above him, and when his eloquent voice was silenced amid the plaudits of the countless thousands surrounding him, he fell, as it were, with the harness on, at the post of duty and in the service of his people. The Christian gentleman, the patriotic, generous and public-spirited citizen, the true, upright and honorable lawyer, and the great and incorruptible judge, went down to his last resting-place universally lamented, and long will it be before the dust that covers all of him that was mortal shall cease to be moistened with the tears of friends and loved ones. He was human, and may have had faults, but if so, let the mantle of charity be thrown over them. Long will it be before we shall look upon his like again. The sunset glory of his undying example will ever linger in our sky, and let each of us earnestly endeavor, as best we may, to imitate his great, noble and almost unparalleled virtues."

PREPARATIONS FOR THE FUNERAL.

The Legislative Council, the Bar, the Military and Members of the
Exchanges to Attend.

At a meeting of citizens held October 15th, in the United States court-room, to take action in regard to the death of the late Judge H. T. Ellett, it was resolved that the Cotton and Merchants' Exchanges be requested to close their doors at 2 o'clock p.m. on the day of the funeral, to drape their halls, and that the members are urgently requested to attend the funeral in a body; and further, that each exchange appoint eight members to act as honorary pall-bearers; also to appoint twenty-five members from each exchange to draft suitable resolutions of respect and attend the bar meeting to be held on Thursday next, at 4 p.m., in the United States court-room.

Resolved, further, That the Chickasaw Guards, the Memphis Merchants' Zouaves and the Jacksonian Club be requested to attend the funeral.

EXCHANGE COMMITTEES APPOINTED.

In accordance with the resolutions passed at the citizens' meeting, President Suggs, of the Cotton Exchange, and President Martin, of the Merchants' Exchange, have made the following appointments as honorary pall-bearers:

From Cotton Exchange.—Napoleon Hill, John W. Dillard, J. N. Falls, John Overton, Jr., H. M. Neely, Wm. Bowles, Sr., W. J. Crawford and W. F. Taylor.

From Merchants' Exchange.—J. T. Pettit, W. W. Schoolfield, A. B. Treadwell, Dr. D. T. Porter, W. J. Chase, W. B. Mallory, Z. N. Estes and S. H. Dunscomb.

COMMITTEES ON RESOLUTIONS.

The following Committees on Resolutions were also appointed:

From Cotton Exchange.—L. Hanauer, chairman; A. C. Treadwell, E. L. Woodson, W. A. Gage, F. M. Norfleet, J. W. Fulmer, R. F. Patterson, George H. Latham, Dennis Smith, R. L. Coffin, J. E. Beasley, J. W. Richardson, B. J. Semmes, F. D. Talley, G. W. Macrae, T. H. Allen, Jr., C. P. Hunt, G. S. Maclaren, N. Fontaine, E. L. Topp, J. W. Bailey, J. M. Jones, D. C. Myers, W. T. Bowdre and S. W. Hampton.

From Merchants' Exchange.—James Phelan, chairman; W. A. Everman, John T. Willins, John M. Peters, Hon. W. R. Moore, I. N. Snowden, Hon. T. J. Latham, F. M. Nelson, J. T. Jefferson, W. H. Moore, P. B. Jones, Ad. Storm, R. A. Parker, J. S. Day, Dr. Heber Jones, J. M. Goodbar, T. B. Trezevant, S. P. Read, Joseph Bruce, W. D. Bethel, J. L. Cocke, C. B. Galloway, M. C. Pearce, R. S. Taylor and J. W. Cochran.

OTHER ACTION TAKEN.

The Chickasaw Guards and Merchants' Zouaves are ordered to meet at their respective armories, at 2 o'clock this afternoon, to make ready to attend the funeral of Judge Ellett. The Jacksonian Club will meet at the same hour and for the same purpose. The Legislative Council also will attend the funeral in a body, and the fire bells will be tolled between the hours of 3 and 4 p.m.

THE FUNERAL.

All that was mortal of Henry T. Ellett, late Chancellor of this district, the distinguished citizen, exemplary husband, devout christian and learned jurist, was laid to rest in Elmwood Cemetery yesterday afternoon. When a great and true man dies, one who is the friend of humanity, who has by his acts and deeds made it his friend, it stops to think, to shed a tear and speak a word of regret at his taking off. Never in the history of this city or State were the sensitive and sympathetic chords in the hearts of the entire masses so suddenly and tragically touched as by the death of Judge Ellett, nor never did the whole heart of a people respond with a deeper tribute of respect. What a scene! A life well and honorably spent in the discharge of every duty, the petted idol of an admiring people of two States who had thrust their honors upon him, and when he had just crowned and rounded with such an eloquent period the most memorable event in his charmed life of three-score years and fifteen by welcoming, with his whole heart, and that of the people of this big-hearted city and the assembled multitudes from five States of the Union, the Chief Magistrate of the whole country, ere his triumph should be magnified by the earnest and patriotic response which fell from the lips of the President of the United States, that he should fall limp and lifeless in such a presence, when but a moment before, seemingly in the full vigor of hearty age, and with the distinctness of enunciation and eloquence of patriotic fire he had thrilled the hosts who hung upon his words in breathless admiration. To die at such a time, and amid such surroundings, was, in view of the high character of the illustrious victim, enough to impress the occurrence forever on the minds of all who witnessed it, and to pass down as an eventful chapter in the public history of the republic.

The body of the dead Chancellor lay in State all through Sunday and Monday forenoon at his late residence, No. 543 Shelby street, where it was visited by a continuous stream of friends. Letters of condolence from far and near poured in to the grief-stricken widow and fatherless children, and sympathetic friends filled the silent room with offerings of sweet flowers.

Long before the hour for the funeral service—3 o'clock p.m.—crowds of admiring friends, young and old, solemnly filed into the house, entered the parlor, gazed on the perfect features of the dead jurist and moved on to let others follow who were sadly eager to pay the same tribute. By 3 o'clock, notwithstanding the steady and gloomy rain which was falling as a tearful tribute from the heavens to which his spirit; which had been made "manifest in God" through a life of uprightness; had flown, the spacious rear parlors, hallway and the street on either side for a square around were filled with people, and over a hundred carriages and private vehicles lined the street, in which to bear all who could crowd into them as an escort to the cemetery. Besides these, the Merchants' Zouaves and Arnold's Band were formed in line just outside the gate. The Rev. Dr. Burford, rector of Calvary Episcopal Church, who was to conduct the sacred services, arrived several minutes before 3 o'clock. Judge Morgan stood at the door and acted as master of ceremonies. The members of the bar, about a hundred in all, then followed, and time was taken to allow each one to take a last look at him who had so justly sat as the arbiter of the grave matters of fact and points of law contended for by them.

The Jacksonian Club, that vigorous young organization of the body politic of the city, marched to the house and to the cemetery in a body. The business men of the city, especially the members of the Cotton and Merchants' Exchanges, were fully and creditably represented. After as many as time would permit had paid their respects to the remains, Dr. Burford, in a solemn and impressive voice, began the recital of the funeral service, and to those parts at which it was proper the audience as impressively responded. The rector then

read the fifteenth chapter of St. Paul to the Corinthians, beginning at the twentieth verse. The 260th hymn, "Asleep in Jesus," was then sung by many voices with touching effect. At its conclusion Dr. Burford said :

"If words from human lips were needed to speak in eulogy of this truly just and honorable judge, whose inanimate form now lies before us, they could be given, but they are not needed, nor is this the time or place to extol the virtues of the devoted husband and father, the pure and patriotic citizen. If words we have to speak, they should ascend to God in behalf of the stricken-hearted widow and comfortless children. To him let our words be addressed in the recital of the ritual of faith which was the guide by which our beloved brother lived."

The ritual was then slowly repeated by the rector, joined by the voices of the audience within the parlors. He then announced that the remainder of the services would be concluded at the grave. The honorary pall bearers from the two exchanges filed out, and, with bared heads, took their places on either side from the door steps to the hearse. Their names are as follows :

Pall-Bearers.—From Cotton Exchange—Napoleon Hill, J. W. Dillard, J. N. Falls, John Overton, Jr., H. M. Neely, W. M. Bowles, W. J. Crawford and W. F. Taylor. From Merchants' Exchange—J. T. Pettit, W. W. Schoolfield, A. B. Treadwell, Dr. D. T. Porter, W. J. Chase, W. B. Mallory, Z. N. Estes and S. H. Dunscomb.

In a moment more Dr. Burford descended the steps and was followed by the casket, borne by the following members of the bar: John P. Houston, late law partner of deceased, Judge R. J. Morgan, Judge E. S. Hammond, of the United States Court, Judge S. P. Walker, Judge J. B. Heiskell, Gen. Luke E. Wright, Hon. Luke Finlay and Thomas B. Turley. Then followed the bereaved widow, her children and the immediate members of the Judge's family. During the time from the appearance of the casket until the carriages were filled the band played one of its most appropriate funeral selections. The procession formed with the band in front,

followed by the Jacksonian Club, then the hearse, drawn by two beautiful black horses, and carriages in order. The procession turned out Vance street, all along which, in the yards and houses, the people, men, women and children, stood listlessly with bared and bowed heads as the cortege moved by. Fully 2000 people had gathered at the house and stood in the street, regardless of the rain that beat upon them, and thousands more did like reverence along the line of march. In carriages and on street cars a thousand or more immediately followed the remains and witnessed the last honors to the worthy dead.

The ceremonies at the grave were brief, but during which the plaintive sobs and unrestrained grief of his widow, his children and children's children, were touchingly piteous and sent tears trickling down the cheeks of every sad witness. The flowers, crosses of rarest and sweetest roses, whose lily whiteness were emblematic of the blameless life on whose breast they rested, had been brought from the parlor to the grave, and were beautifully arranged over it, covering it entirely. A large cross of Marechal Neil roses, two or more feet high, stood at the head, while on a bed of wire, two feet long and one foot wide, was a bank of roses of like kind, on which was worked in red geraniums, crosswise, the word "Rest." Numbers of crosses of roses and artistically arranged bouquets completed the flower covering of the feelingless clay which pressed so heavily on the narrow tenement of the mortality which had put on immortality.

The casket was of cedar, covered with black broadcloth and oxydized trimmings, with a solid silver plate in the center, on which was engraved, "Died October 15, 1887. Henry T. Ellett, aged seventy-five years, seven months and seven days." The casket was handsome indeed, and all the arrangements of the funeral, from the residence to the cemetery, were well and efficiently carried out.

The following letter from Capt. Sam Carnes explains itself:

“*Mr. J. H. Martin, President Merchants' Exchange:*

“DEAR SIR—Owing to the inability of the members of my company to get off from their engagements, the Chickasaw Guards will be unable, as a body, to participate in the honor of paying the last sad rites to the memory of our most exemplary and illustrious fellow-citizen and friend, Judge H. T. Ellett, this afternoon. With assurances of my great disappointment and sincere regret, I am your obedient servant,

“SAM T. CARNES,
“*Captain Commanding Chickasaw Guards.*”

SOME FLOWERS ON HIS GRAVE.

The Joint Meeting Held in Memphis, October 20, 1887—The Bar and the Business Community Unite in Paying Tribute to the Dead Chancellor.

The meeting of the bar and citizens to adopt resolutions of respect in memory of the late Judge Henry T. Ellett met in the United States District court-room October 20, afternoon, Hon. R. J. Morgan presiding, Mr. Frank Poston secretary. There was a fine attendance both of lawyers and business men, and the ceremonies were of the most impressive character. Judge C. W. Heiskell read the resolutions prepared by the committee appointed at the last meeting.

THE RESOLUTIONS.

It is a melancholy task to announce the death of an eminent man, to commemorate his virtues is a grateful duty.

In the death of the Hon. Henry Thomas Ellett this task and duty meet. His death was as conspicuous as his life; the one as dramatic and grievous as the other was pure and grand. He was born in Salem, N. J., on the 8th day of March, 1812, and died in Memphis, Tenn., on the 15th day of October, 1887, in the presence of assembled thousands, who had just listened to his eminently appropriate, eloquent and patriotic address of welcome to the President of the United States. As the great Lord Chatham fell dying on the floor of the House of Lords lifting up "his voice against the dismemberment of this ancient and noble monarchy," so this great man fell dying, assuring the Chief Magistrate of this country of the indestructibility of this greater American nation.

His death was a fitting close to a life memorable for its complete symmetry and eminent usefulness. He graduated at Princeton with the highest honors, and at the age of twenty-one was admitted to the bar. When twenty-five years old he left his native State and found a home in Mississippi.

He was twice married. Two children by his first marriage and four by the second marriage, with their mother, mourn their irreparable loss.

Judge Ellett went to Mississippi when Sharkey, and Prentiss, and Holt, and Quitman, and Guion were famous. In such a constellation the star of Henry T. Ellett shone with equal brilliance and longer sustained luster. His ripe scholarship was as unostentatious as it was elegant, and his charming manners lent grace and beauty to an integrity of character and thorough honesty of purpose that made him the true christian gentleman, with all that this implies. His christian walk was consistent, but void of harshness or bigotry. He was not only fully conversant with the ancient classics, but with the whole range of modern literature as well. His genial and cultured intellect enjoyed as thoroughly the beauties of Horace and Virgil and Homer as of Dickens and Thackeray and Shakespeare. There was scarcely a remarkable passage of ancient or modern learning that he did not have at his tongue's end, yet his unassuming modesty and good taste never allowed them to obtrude inelegantly in conversation. His wit was genuine but without a sting. What he said was always appropriate, chaste, ornate. His well-stored mind was thoroughly equipped; his moral perceptions distinct and unclouded by prejudice or passion; his mental vision of right and wrong keen and unerring, and his innate sense of truth and justice so exact that he easily applied their touchstone to all questions that arose for his decision, whether as a man or a jurist. Had Judge Ellett defined genius, he would have said, "Genius means hard work, constant work, thorough work." His life was an exemplification of this definition. His knowledge of the law was profound, and his analysis of his cases clear, concise and masterful. His arguments before courts and juries were admirable for elegance of diction, perspicuity of statement and forceful advocacy. What he said was well said, what he did always well done. Whether in a post-prandial speech, or an intricate case in the highest tribunals in the land, Judge Ellett was always ready. He always did his best, and his best few could attain unto. Without egotism,

without vanity, full of charity for others and sympathy for all, he stood the peer of any lawyer and of any man. No wonder, then, that in 1846 he was elected to fill the unexpired term of Jefferson Davis in the United States Congress, or that there he won golden opinions from all. No wonder that his fellow-citizens offered him the place again when he returned to them; or that they honored him repeatedly with a seat in the Senate of Mississippi. And no wonder that he declined a re-election to Congress. The law was his profession; in that he had eminently fitted himself to shine, and did shine as few ever did. He was equal to any occasion. The inimitable suavity and grace with which he presided at a bar dinner were only excelled by the dignified courtesy and ability with which he presided as a judge. His life left its impress not only upon the statute law of Mississippi, but upon its judicial history. In 1863 he was elected to the Supreme Bench of that State, and his opinions were marked with the same lucidity and force that characterized his professional and legislative career. During the war President Davis offered him a place in the Confederate States Cabinet, which he declined. In 1867 he resigned his place on the Supreme Bench of Mississippi and removed to Memphis. Here he resumed the practice of law, first in partnership with Judge W. L. Harris and Hon. James Phelan, next with Estes & Jackson, and lastly with Mr. John P. Houston. Easily he held the front rank in his profession, until called by his brethren and people to preside over our Chancery Court. Words fail to describe the efficient manner in which he there so ably dispatched the public business. The ease with which he grasped the points of a case, the charming dignity with which he presided, the patience with which he listened and the impartiality and wisdom with which he decided the multifarious and often intricate cases which came before him—these cannot be described. We appreciate them the more because so excellently well done as to be beyond description.

Scarcely a day passed but that some lawyer, whether he lost or won, would describe the judge as "admirable." There were no jarring elements in this great man's life. All were

blended in a harmonious whole. Everyone esteemed, honored and loved him. He came nearer doing and saying the right thing at the right time than any man we ever knew. He never did nor said a little thing, because his high-born soul could harbor no mean thought. His chivalrous spirit would have brooked no insult, yet such was the well-poised dignity of his character and affability of his bearing that no one but a miscreant would have offered one.

But the stately proportions of his life as a citizen, a scholar, a lawyer, legislator and judge were fully equaled by the genial sunshine of his life at home. There the husband and father was always welcomed with wifely devotion and filial affection, and he was worthy of it all. As in the outer world, so here his inborn gentleness and manhood asserted their benignant sway, giving and receiving that courtesy and respect, and evoking that love and tender regard which made his home a model home, as he was the model gentleman.

But he is dead. No more the genial smile, the delightful converse for us; no more the father's footstep on the threshold of home. No more the terse, masterly opinion of the judge; no more the delicate, quiet, beautiful affection of the husband—all gone. No, not all gone. Henry T. Ellett still lives. He will live as long as honor lives or truth has a votary.

"*Si monumetum quæris, circumspice.*" Behold these decorations of sable serge. These are "but the trappings and suits of woe," adumbrations of the sorrow that darkens every heart, and "the mourners go about the streets."

We mingle our tears with those of his family and our fellow-citizens at large; and out of the depths of our common sorrow we exclaim: "How are the mighty fallen in the midst of the battle! How are the mighty fallen!"

Friends and brethren, he hath left us a large legacy. "Mark the perfect man and behold the upright; for the end of that man is peace." This was his life. This his death. These his testament to us and for us and our children.

"In freta dum fluvii, current dum montibus umbrae,
Lustrabunt convexa polus dum sidera pascet;
Semper honos, nomen q; tuum, laudes q; manebunt."

Therefore Resolved, That we deplore the loss of this ripe scholar, exemplary citizen, great lawyer and able and upright judge; we mourn the loss of our friend, and weep that he is no more.

Resolved, That we tender our profoundest sympathy to the bereaved family, and commend them to the Redeemer in whom he believed and the God whom he adored.

C. W. HEISKELL,
L. W. FINLAY,
J. W. CLAPP,
W. M. SMITH,
S. P. WALKER,
B. M. ESTES,
HENRY CRAFT,
T. W. HARRIS,
JAS. R. CHALMERS,

Committee.

REMARKS OF JUDGE JOHN L. T. SNEED.

Speaking to the resolutions, Judge Sneed said :

It would seem a trite sort of truism, coming even from the ancient orator who uttered it, that it is a good and wholesome custom to honor the eminent dead, not only for their own deservings, but that the living may the better appreciate the beauties of a well-spent life and emulate its example. I desire to express my approval of the report of the Committee on Resolutions, and my unmeasured admiration for the great Chancellor, who, after a triumphant career, has died a triumphant death in the midst of the crowning glory of a beautiful life. We are told in ancient story that the Thracians of old always wept when a child was born, and feasted and made merry when a man went out of the world. And for a good reason, as they thought, for death opens the gate of fame and shuts the gate of envy after it. It strikes the fetters from the limbs of the captive and puts the bondsman's heavy task in the hands of another man. In lamenting the honored dead we are prone to forget the victory which comes to the

good man as the companion of death. For peace hath its victories no less than war. Our affections would say that Judge Ellett died at the wrong time. But God makes no mistakes. He died the quick, electric death he always wished to die.

Suddenly it came,
And merciful that it came suddenly, nor left
One moment's agonizing thought
On those he loved so well.

He was thoroughly equipped for the momentous change, for death never takes the wise man by surprise. His religion was of that sort which Chateaubriand loved so well—no holiday piety, a religion that accelerates the manhood of the mind, while it prolongs the infancy of the heart; a religion that commands the faith of a little child and the unaffected recognition of the universal brotherhood of man. But then the brilliant occasion of his taking off threw a glamour over death itself that robbed it of its terrors and almost tended to inspire that thrill of envy, rather than horror, that the Spartan warriors of old were wont to feel when they saw a comrade, all covered with glory, falling dead in the brunt of the battle. Mirabeau wanted to die to the sound of delicious music. "Cover me with flowers," said he; "intoxicate me with perfumes; let me die to the sound of delicious music." But the great Chancellor had a sublimer aspiration than that—let me die the death of the righteous, and let my last end be like his. He fell there in the presence of the unseated ruler of 60,000,000 people; he fell amid the plaudits of 10,000 of his admiring countrymen; but he did not fall until he had voiced the spirit of his own people in those burning words that ought to be crystallized in the political platforms of all political parties from this time forth, forevermore, and which might be paraphrased in the eloquent words of the damsel of old: "Entreat me not to leave thee nor to return from following after thee. Thy people shall be my people, and thy God shall be my God."

In the vast vocabulary of our beautiful English tongue there is but one little word that photographs the winsome attractions of his personal character. He was, without dispar-

agement to the living or the dead, the most lovable man I ever knew. He never had an enemy and never lost a friend; never sat down to a social conversation with a stranger that he did not bind him to himself with hooks of steel for life. Whether he met a millionaire or beggar in his path he never forgot that he was a gentleman. As old Johnny Bower said of Sir Walter Scott, he was a gentleman, even to his dog. His gentle suavity of manner, his delicacy of feeling, his all-pervading charity, his purity of life and his chivalrous sense of personal honor, had long ago concentrated upon himself the reverence and affection of this entire community, while to us, his brethren of the bar, he was bound by a tie more tender still. We loved him for all these social talents, but we honored him also as the model jurist, the eloquent advocate and the incorruptible judge, who had about him at all times and in all places that sort of chastity of honor which would shrink from a blot of defilement upon the ermine that adorned him as from the mortal stab of an assassin. It seems to me that such a record will be a dowry for his widow and a heritage for his children—richer than the exchequer of princes. It is not the time nor place for any elaborate delineation of the structure of his judicial character. It is enough to say that his perspicuous methods as a chancellor—his opulent erudition—his absolute freedom from passion, partiality or prejudice, and the admirable equipoise with which he meted out even-handed justice to the people as with the delicate scales of the apothecary—no less than his unstinted courtesy to the bar and his ready recognition of their rights, and their independence, as his auxiliaries, if not his peers, in the administration of justice—made him what we proclaim him here today—the model judge, and, perhaps, the best in all the rare combination of qualities that make up the upright magistrate, who ever graced the chancery ermine in the State of Tennessee. Peace to the honored ashes of Henry T. Ellett. “Take him all in all,” Mr. Chairman, “we ne’er shall look upon his like again.”

THE EXCHANGE RESOLUTIONS.

Mr. W. J. Crawford, on behalf of the joint committee from the Cotton and Merchants' Exchanges, introduced the following :

WHEREAS, It has pleased God in his inscrutable wisdom to take from us our honored, loved and revered fellow-citizen, Henry T. Ellett, Chancellor of Shelby county, at a moment when he was engaged in a great and responsible public duty ;

WHEREAS, His death has brought grief to every heart and household in Memphis, and has stricken with anguish and sorrow the wife and children whom he most tenderly loved, and

WHEREAS, The city of Memphis has been deprived of one of its brightest ornaments and most shining examples of honor, integrity and exalted manhood ; now, therefore, be it

Resolved, By the Cotton and Merchants' Exchanges of the city of Memphis, in joint meeting assembled, that we offer our sincere and most profound sympathy to the family of Judge Ellett, who have lost in him a loving husband and an affectionate father.

Resolved, That the city of Memphis has lost a citizen who, in every respect, met all the requirements of a pure and noble manhood.

Resolved, That the character of Judge Ellett was one which was harmonious in strength of purpose, purity of ambition, loyalty and truth.

Resolved, That his greatness and exalted nobility of character were equalled by the brilliance and power of his intellect. Profound and searching in argument, ripe in scholarship, keen and incisive in wit and humor, and elevated and comprehensive in his oratory, he impressed himself as man, lawyer, judge and orator upon the entire Southwest.

Resolved, That he was worthy to be held up as a model to the young men of Memphis in all the attributes which make a christian and a gentleman.

Resolved, That these resolutions be enrolled on the minute books of the Exchanges, and that a copy be sent to the stricken family of the deceased.

Cotton Exchange Committee.—L. Hanauer, Chairman ; A. C. Treadwell, E. L. Woodson, W. A. Gage, F. M. Norfleet, J.

W. Fulmer, R. F. Patterson, George H. Latham, Dennis Smith, R. L. Coffin, J. E. Beasley, J. W. Richardson, B. J. Semmes, F. D. Talley, G. W. Macrae, T. H. Allen, jr., C. P. Hunt, G. S. Maclaran, N. Fontaine, E. L. Topp, J. W. Bailey, J. M. James, D. E. Myers, W. T. Bowdre and S. W. Hampton.

Merchants' Exchange Committee.—James Phelan, Chairman; W. A. Everman, John T. Willins, John M. Peters, Hon. W. R. Moore, I. N. Snowden, Hon. T. J. Latham, F. M. Nelson, J. T. Jefferson, W. H. Moore, P. B. Jones, Ad. Storm, R. A. Parker, J. S. Parker, Dr. Heber Jones, J. M. Goodbar, T. B. Trezevant, S. P. Read, Joseph Bruce, W. D. Bethel, J. L. Cocke, C. B. Galloway, M. C. Pearce, R. S. Taylor and J. W. Cochran.

MR. CRAWFORD'S REMARKS.

Mr. Crawford said :

In connection with these resolutions, Mr. Chairman and gentlemen, not only each member of the committee, but every member of the commercial bodies which we have the honor to represent, desires to add his individual testimony to the gentleness, to the purity, and to the integrity of the character of the late Chancellor of this division of the State.

We loved and honored him, sir, not less for his peaceful, calm and dignified bearing, than we did for the grace and manliness with which he wore the proudest virtues that deck the mind or adorn the human heart.

Viewed in its proper light, his sudden death was a fitting and glorious climax to a long, prominent and eventful life, and when his matchless spirit winged its immortal flight, out of the very sovereignty of the people whom he served, in the presence of the Chief Magistrate whom he honored, and within the shadow of the statue of Andrew Jackson, whom he loved, it could have truly said to the assembled thousands, "If I have not erected in the person of Henry T. Ellett a monument in the hearts of his fellow-citizens more durable than brass and more lasting than stone, I have at least reared one co-eternal with human existence."

THE JACKSONIANS' TRIBUTE.

Gen. J. J. Dupuy offered the following :

The Jacksonian Club join with the people of Memphis in a sorrowful tribute to the memory of the distinguished dead, the Hon. Henry T. Ellett, recognizing in him and in his blameless life the pure patriot, the great-souled and home-loving citizen, the exalted model for youthful emulation, and the upright judge. They deplore his death as an incalculable loss to this community, to our judiciary and our country, and they now indorse with unanimous voice the last words of the patriot in the presence of our Chief Magistrate, breathing a spirit of universal reconciliation and brotherhood throughout our broad land, and recognizing in its majestic unity the realization of that greatness of which our founders dreamed when they penned the Constitution.

The example and life of this good man we commend to the youth of our State as a model of Parian purity, leading, wherever followed, to stations of exalted citizenship, patriotism and nobility of life.

L. H. ESTES,
JOHN J. DUPUY,
J. F. HUNTER,
L. T. M. CANADA,
GEORGE COLEMAN,
H. M. SEEBER,
T. B. CRENSHAW,
R. L. STRATTON,

Committee.

Speaking to the resolution, Gen. Dupuy said :

MR. CHAIRMAN—In presenting these resolutions of the club, which honor themselves in offering honor to the memory of Judge Ellett, I might well content myself with merely reading this expression of their sentiment and remaining a silent listener to the words of affectionate but sorrowful praise for the noble dead, our brother and friend. But that I represent here a body of young, enthusiastic men, who point to him as an exemplar, to them, of all that is noble, pure and

true—a shining pharos, guiding the young men of our country into a haven of security, it is not, perhaps, improper to emphasize in fitting words the esteem in which Judge Ellett was held by the young men of the club, and the great influence for good which his life exemplified and his death has sanctified. In him we have the finest demonstration of what a good man may do by his example. In this age and time, in the ceaseless struggle for supremacy, this incessant strife for wealth, this aggressive desire for preferment, it is not unfrequent that many resort to doubtful methods and dubious ways to attain the goal of their ambition, and too often the young men of our country are impressed with the sentiment that “the end justifies the means.” They are led to believe that not so much depends upon the ways and means by which they succeed as the mere fact of success. The lesson is taught that the world will never stop in the wild rush for place or power to inquire how it was secured. And so our young men grow up to value truth, honor and virtue at a small price. Again we find that high places of trust and power are eagerly sought for, and many believe can only be obtained through crooked ways—that vice and impurity are aids, rather than embarrassments, to ambition—until it has grown into an adage that “the post of honor is the private station.” The life and character of Hon. Henry T. Ellett is a complete answer to all these objections—a man of unblemished purity, of the sweetest nature, the grandest intellect, the gentlest manner. In private and public life he adorned every position, and his name became a household word in our midst. Mothers pointed their sons to him for example, and bade them follow in his footsteps. In his death our community suffers a public calamity, only to be assuaged in that “tho’ he be dead he yet speaketh.” To the young men of our club and to the young men of our community he will long remain as the noblest type of a true, pure and noble manhood, and will stimulate them to adopt the words of the prophet, “Let me die the death of the righteous, and let my last days be like his.”

The chairman then announced that if any gentlemen present desired to pay a tribute to the departed before the adoption of the resolutions they would be given an opportunity so to do. The following were the

REMARKS OF JUDGE E. S. HAMMOND.

MR. CHAIRMAN—Nearly three centuries ago one of the “professors of the law,” in quaint words that appear in the black letter, refutes certain “vulgar imputations” upon that profession, and in the course of his remarks pays what, in this day, appears a unique tribute to justice and the law, and one that is full of thoughtful eloquence and praise. He takes occasion to describe the great office of chancellor, and to set forth the qualities of one fit to fill it, thus :

“He must, withal, have a long and universal experience in the affairs of the commonwealth ; he must be accomplished and absolute in all points of gravity, constancy, wisdom, temperance, courage, justice, piety, integrity, and all other virtues fit for magistracy and government ; and fit, so as the same be seasoned and tempered with affability, gentleness, humanity, courtesy, howbeit without descending or diminishing himself, but still retaining his dignity, state and honor. Briefly, he must be a person of such virtue and worthiness, as his life may be a censure and his example a mirror for all other magistrates.”

About the time those words were written, there died one of England’s greatest judges, whose name was linked with that of Coke, whom he succeeded as Attorney-General and afterwards as Chief Justice of the Common Pleas, they being called “a noble pair” who “had furnished surprising light to the professors of the law,” and “two men of great authority and dignity.” Of Lord Hobart, to whom that reference was made, it was said by the historian that “he was adorned with the brightest endowments, his eloquence was excellent, and his understanding piercing ; in him the sweetest affability was united with the most venerable gravity, and he always had equity before his eyes.”

If we interpret the word “eloquence” by its meaning in those days, and not the more gaudy signification it has come

to express in this, it does seem to me that these quotations accurately describe the official, public and private character of Judge Ellett. They have been selected, Mr. Chairman, because of the prominence they give to that sweetness of character which so conspicuously belonged to Judge Ellett. Applying that term to him in private conversation, there might be some apprehension that it has been so appropriated by the other sex that it is inapplicable to ours, but this is not true, and the sternest men may unite with that disposition the manliest virtues. Its possession by Judge Ellett did not mar his sturdy characteristics in the least, as we all know.

Judge Ellett's life was a clean one. He paid all needful attention to his own interests, and struggled in honorable competition to advance them in his profession, shrinking, however, always from the business of public life, which was distasteful to him. I think it will be conceded that there was no time in late years when he could not have had any honor or place within the gift of the people of the State of Tennessee. There were times when the exigencies and emergencies of politics seemed to demand of him a political career, but this he always declined, and would at last only take, comparatively to those political honors, an humble judicial place, that he might gratify the honoring clamor that he should take it, and for himself only that he might 'die in the harness,' as he expressed it, and he did.

It was a glorious death, akin and very like the death of a victorious leader whose lifeless form is borne triumphantly from the battle-field. It was an honor of peace so to die, and not of war, but none the less renowned for all that, and thus the familiar saying came true of him. It is not given to all men, possibly to no other man, in time of peace, and in the discharge of a civic duty imposed by universal selection, to fall dead at the feet of the President of the United States, in the very act of performing that duty wherewith he was charged, and just as he had finished, too, the expression of those patriotic sentiments of his people he was appointed to convey to the Chief Magistrate of the nation, which expression by him was pronounced by that magistrate to have been

“so eloquent and noble.” It was literally “dying in the harness,” as he wished, and painful as was the tragedy to his friends, there could have been planned for him no more fitting death if that had been a purpose in the drama of his life.

There was no artifice or duplicity about Judge Ellett. His merit made its own way to that durable reputation which alone is the test of the true character of any lawyer, and in the end the only competent evidence of it. He engaged in no little arts to reach it, did not mistake a passing admiration, flitting always from object to object, for that reputation which is never gained in our profession without deserving it. He toiled steadily in the old way and denied that there was any new or better way to reach the honors of his profession. There were new ways to reach its places of honor distasteful to his sense of delicacy and dignity, but he maintained that while the places might be thus reached the honor was not there, whatever may have been found in the matter of more sordid profit. The testimony as to Judge Ellett’s professional reputation, at the bar and on the bench, is uniform that he was an able and successful lawyer, and as was said of a famous chancellor, “a judge without a fault.”

Gen. Wright said in an informal consultation of the committee that it would be freely accorded to him by all classes of the population of Memphis that “he was our foremost citizen.” There could be no higher praise than this, and the presence here and at his grave, in their corporate capacities, of the great business interests of Memphis, was not only a recognition of his worthiness, but of the fact that in the place where he met his death he stood, not as the representative of the bar, but as a representative citizen, discharging the duty of a citizen, on a great occasion, upon which he honored them as they honored him. And here, may I say, that as a faithful judge he belonged likewise to the people and not alone to the bar, and that in that capacity, as well as in the more immediate one in which he was engaged, they may claim him as their own and join with us in these professional honors which we bestow. There is too great a tendency to treat lawyers as belonging to themselves alone, as

responsible to themselves alone, and removed from the body of the people to a greater degree than they are in fact. The legal profession is one of the instrumentalities of government, and in its quasi corporate capacity as much a business organization as are the great exchanges which join with us in these ceremonies. It would be to the advantage of all if this fact were always made as plain as it is in its relation to Judge Ellett, whom all are so anxious to honor on this occasion.

I had thought, Mr. Chairman, to ask your leave to say something of my personal relations to Judge Ellett, but I forbear, since, perhaps, that is a matter not the most appropriate here. But I will say that to me he was a very dear friend, always a mentor to whom I would go for counsel, sometimes a monitor as well, and never anything but the wisest and the best of friends; and this relation, as I believe, he bore to many of us, for to him we were all in the habit of resorting for such friendly offices as these, as you know, sir. It is very grateful to remember him in that relation, and if, seeing our elders dropping away day by day as we do, those of us who are stepping up to the place of elders may venture to say a word to the young men of the profession, we would all agree that in Judge Ellett's professional life they would find the best model for their own. I believe that most sincerely, and do not say it for the perfunctory purpose of obituary praise.

It is useless, Mr. Chairman, to indulge in that bitterness of complaint which for ages on ages lawyers have bewailed, that, after all they do for the common weal, there is so little of honor that is left for the best of them when they are dead. That complaint has been most eloquently formulated in recent times by one eminent himself in language such as this, but too busy except for a brief quotation.

And now, when I consider this long life closed, these many years ended of eminent labor in the highest ranks of the forum, and nothing left of it all but a tolling bell, a handful of earth and a passing tradition, a tradition already half passed, I am reminded of the infelicity which attends the reputation of a great lawyer.

There is a delusion that to a judge, sitting as Judge Ellett did in the supreme tribunals of the land, there is something more of a monument than there is to a lawyer. But this is hardly so. In our day judicial opinions are like the waves of the sea, overflowing, and are so like one another that they are indistinguishable and not available as monuments. There may be exceptions for the happy few who are engaged to lay the foundation of a jurisprudence, like Coke or Kent or Marshall, but the stones that are laid upon the structure afterward bear scarcely the least memorial of him who laid any of them; not more than the unread name upon the headstone of the long-neglected grave of one of whom there is nothing left indeed but the unread name.

One of the papers of our city quoted the brilliant words of the eloquent Ingersoll at the grave of his brother as appropriate to Judge Ellett's death. That is a very beautiful picture, sir, but that painter with the words of our language discarded the glorious light of the religion of Jesus Christ, intentionally discarded it, that he might show how splendidly a picture could be drawn without that light. It is like the morning picture of a mountain top without the effect of a rising sun. As such Judge Ellett would disown it, for he was a devout believer in Christ and His religion. I prefer to offer another more like Judge Ellett's own, if you will. On the very day he died, perhaps in the very hour when his spirit sought release amid the sunshine and the shadows of our park from the presence of the great throng there assembled to hear his welcome words and their response from the President of this Republic, there came, by cable, across the sea, an account of the death of one of the great authors and poets of our literature. It told a pathetic story of her attendance at church to hear the bans of her daughter's marriage, and of her return to die as Judge Ellett died. It told of an open grave lined with flowers, sent by England's queen, and the great in literature and statesmanship, of their presence there, and of the chanting of the same prayers for the dead which we heard at his grave—the universal prayers of a Christian church. And, there came with this account to the public press, glinting through the dark waters of the uttermost depths of the sea,

across unmeasured mountains, unknown valleys, unmapped plains, and through the continent that shall be forever dark, the words of a Christian hymn that the dead author wrote, and which there was sung along with the prayers we heard; and it was this hymn that supplied the light, rejected by the infidel, to the picture which he drew. Thus retouched and restored by pious hands like those, it would be acceptable to Judge Ellett's faith—

“Earth to earth, and dust to dust,
Calmly now these words we say;
Left behind, we wait in trust
For the resurrection day.
Father, in thy gracious keeping,
Leave me now—thy servant—sleeping.”

Along with those prayers that were said and the hymns that were sung, as we gathered about his grave, from the heart and lips of all who dwell with us here, there was murmured the invocation of the prologue to the old play—

“To his bones sweet sleep.”

JUDGE S. P. WALKER

was the next speaker, and he said :

MR. CHAIRMAN AND GENTLEMEN—On occasions of this character we not infrequently feel that the customary proceedings—by bar meetings and resolutions—are but conventional tributes to the dead, and do no more than bespeak in ourselves that element of humanity which prompts us in burying the dead to bury with them all memory of their faults and weaknesses. Few men are so unforgiving as to carry their resentments beyond the grave. In general, “eulogy belongs to the dead,” not of right, but because of an almost universal sentiment that finds its root rather in the kindly heart of the eulogist than in the merits of the dead.

But not so here. Who of us that does not feel the utter feebleness of the common phrases and badges of sorrow?—that does not realize his inability justly to portray the character of Judge Ellett?

I shall not undertake in the least to deal with the history of his life. To many of you it is as well, to some of you better, known than to myself. I have no purpose to speak of what he did, but rather of what he was.

It would be the extravagance of praise to say that Judge Ellett, as a man and jurist, was the superior of all his contemporaries; but it may be said in deliberate and sober truth that he was a wise, just and fearless magistrate; that no judge administered the law with a higher moral tone or with purer motives; that his integrity was of the highest order, his sense of justice most inflexible, and that neither friendship nor enmity could in the least bias his decisions. To the aid of a mind, naturally broad and strong, he brought the fruits of a long and varied experience. He was a ripe scholar, a thoroughly-equipped lawyer and jurist.

But these things are so well known of him that they need not, in this audience, be dwelt upon. I prefer very briefly to bear testimony to those personal qualities that endeared him most to those who knew him best.

If I may imagine that his spirit may hereafter come among us, I do not doubt that it will find its chief pleasure, not in monuments of stone, nor even in the enduring works of his mind, but rather in the contemplation of that glowing warmth of affection and esteem with which his associates do now and shall always revere and cherish his memory. That we honor him as an advocate and jurist is well, but most grateful to his departed soul will be the clouds of incense rising from the urns of unbroken and well-deserved friendship and veneration.

Public demonstrations of sorrow will soon end, but until we, too, go to join the countless hosts that throng the other shore, we shall not cease to mourn the loss of him. His death was most eventful. The tide of his life, unclouded by the mists of time, flowed evenly to its close. His day had no twilight, the temple of his mind no slow decay, but a sudden fall, the sorrowful sound of which yet echoes in our hearts. There shall his memory rest enshrined.

“Peace to his dust and everlasting honor.”

F. H. HEISKELL.

Mr. Heiskell said :

When so much has been said, and so well said, it might seem unnecessary to say more, but there is a desire in the human heart to lay a tribute of our own on the graves of those we love and honor, even though the grave may be strewn thick with flowers already. Of all the men whom I have known but one other has so fully filled my ideal of the perfect man in all his bearings as Judge Ellett, and that other was Robert Lee. I do not mean to draw a parallel or suggest a comparison. One was a soldier, the other a jurist. But in their exalted, unblemished and unsullied manhood they were alike. Courtly and refined in manners, no provocation could mar the gentleness and grace of their bearing by any exhibition of anger. Cheerful and genial, yet without a trace of coarseness, neither oath nor unseemly jest ever crossed their lips. No word or act defaced the bloom on the purity of their characters. They lived in an atmosphere of integrity so exalted that slander could not reach them. The breath of detraction aimed at them would have chilled into a blighting frost and settled back on the slanderer's head. An insult hurled at either would have rendered its author infamous. Alike they bowed at the shrine of duty, were modest, yet self-reliant, gentle as women, yet brave as men should be. Of the one it might be asked as it was of the other, "What was his weak point?" and the answer must be the same, "I do not know."

These and many kindred traits made them alike, in this, that both were men and christian gentlemen of a type as pure and lofty as dwelt in the poet's fancy when he drew the picture of King Arthur and conceived the creed of the Round Table.

Of such a man as Judge Ellett, after such a life, it might well be the wish to die suddenly. There was no need of time for reckoning. His conscience assured him of a life well lived, and Death, come when he might, was welcome. The wish could not have had a nobler fulfillment. In the evening of his years, yet the high noon of his faculties, before decay

had touched, before decrepitude had shaken, in the vigor of life, in the fullness of action, the civic wreath unwilted on his brow, "God's finger touched him and he slept."

It is the crowning glory of such a life that it shows at once the possibility of observing to the uttermost all the rules of right action and the noble result to which such observance leads. Standing in the light of his later years, and looking back through his eventful manhood to his youth, we may learn what Emerson meant when he said:

"So nigh is grandeur to our dust,
So near is God to man;
When Duty whispers low 'Thou must,'
The youth replies, 'I can.'"

Of all the strains that enter into that still yet clarion call, the young Ellett lost not a note. His answer was as broad as the command. How he kept his word may best be answered by the array of qualities before which we stand today with heads uncovered, in admiration and in sorrow.

When we have drawn from philosophy all the consolation we can, there remains the sense of loss. The world will spin on the same; the duties he discharged will be discharged by others; but his place in our midst will remain tenantless save by his own great memory. "Nature repairs her ravages, but not all. The upturned trees are not rooted again; the parted hills are left scarred. If there is a new growth the trees are not the same as the old, and the hills underneath their green vesture bear the marks of their past rending. To the eyes that have dwelt on the past there is no thorough repair."

MR. C. W. METCALF.

Mr. Metcalf said:

After the resolutions we have heard, and all that has been so truthfully, tenderly and appropriately said, I would remain silent if I could, but my grief breaks over the barrier of silence and makes me utter a wail, as it were, over the loss of this dear, grand and matchless man. How we loved him! How all loved him who ever knew him!

The younger members of the bar looked up to him with filial affection, and enjoyed a confiding familiarity, chastened

with profoundest reverence; while he looked down upon them with paternal regard, and a condescending grace and benignity which made them feel, that although he had attained heights sublime, he was not above them.

The middle-aged members of the bar clustered around him and clung to him, growing in strength and manhood, under the genial sunshine of his warm and all-pervading influence. He was their counsellor, their mentor in morals, scholarship, law and ethics. He was to them an elder brother.

The older members of the bar, grown gray in years, and ripe in knowledge, found in him a companion, congenial and true. They envied him not, in the riper learning, in the broader sweep of mind and thought, in the deeper depth and higher height than they had reached—reached by him without vaulting pride or lofty stride, but with measured step, marked by the line of duty.

And so it is, the young, middle-aged and old, of our profession, found in him the father, brother, companion, friend; and now the three join hands in their triple sorrow over his grave.

As if by a flash of lightning at midday, from a sky as clear and bright as his life had been, he was smitten down; and we stand appalled in the presence of Him who has so suddenly visited upon us this dire disaster. We are yet dazed, as well as awed, by the swift and fatal stroke, and in helpless anguish can only cry out, “inscrutable are Thy ways.”

With hollow and husky tones, ever sounding from the depths of an aching void in our hearts, we bow our heads, and exclaim in the agony of grief, Gone! gone! thou dear departed one, the scholar, the model man, the lawyer, jurist, statesman, and as his dying words and sentiments attest—the patriot, gone!

REMARKS OF COL. R. F. LOONEY.

The Hon. Henry T. Ellett was one of the few men of whom too much can not be said. He was faultless as it falls to the lot of man to be; he was the peer of any man in all this broad land of ours. Truly a great and good man has fallen. He

died "full of years and full of honors." He died with "the harness on"—in full possession of all his great faculties. His last able effort was worthy of the man and worthy of the occasion.

"No paling of fire, no quenching of ray,
But rising, still rising, when passing away."

He was surrounded by that vast multitude of the upturned faces of his friends and countrymen; beside him were senators, governors and representatives; seated around him were fair women and brave men; and listening to his eloquent words of welcome was the Chief Magistrate, the acknowledged ruler of sixty millions of people, with his fair young wife blossoming in beauty at his side. The day was perfect, the air was fragrant with the breath of flowers, and the unclouded sky bent over him its eternal blue, fit emblem of the resurrection morn. Here, lifted up as on some great altar of sacrifice, his soul went home to God. From the midst of the most inspiring scenes of earth he passed to the sublime inspirations of heaven; from the presence of the representative of great earthly power he passed into the presence of the King of kings and the Lord of lords. How beautiful, how glorious, thus to die—for the notes of peace and good will, that were the last to fall upon his dying ear, to be caught up and continued in harmonious strains amid the melodies of heaven. Bring flowers; pile up wreaths and garlands, but utter no lamentations over such a death as this. Pleasant recollections, loving memories, will cluster around his virtues and his character, and, "like stars that grow brighter when the sun is longer gone," they will shine with an increasing radiance as the years roll on.

JUDGE R. J. MORGAN.

The chairman of the meeting concluded the speech-making in the following eloquent words:

I cannot allow this occasion to pass without paying a slight tribute to the memory of my deceased friend and brother.

Through many years I have known, honored and loved Judge Ellett. It was one of the pleasures and comforts of

my life that I could name him as one of my most intimate friends, and that I could say that I largely shared his confidence.

His great qualities as a man, with but few of the frailties of our human nature, his exalted character as a christian, with all its humility and purity, his splendid intellect, with its thorough and accurate training, were known and appreciated by all who came in contact with him.

His affection, kindness and gentleness as husband, father and friend, will live in the hearts of those who came within the charmed circle.

As a public man, Judge Ellett was known far and near. Whether as a legislator or as a judge, whether in the courtroom as an able and learned lawyer, or on the hustings as a strong and forcible speaker, he commanded the respect, confidence and admiration of all who met or heard him.

Such a life never dies. It lives in the future. It continues to live. It leaves its impress upon the people, upon the courts and upon the nation. High sentiment, lofty integrity and consecrated learning are the heritage of the people. Nations are upheld more by the moral sentiments and intellectual vigor of such men as Henry T. Ellett than by any legal restraints or by any natural resources. When the people become corrupt, degraded and ignorant—when they cease to inquire after the great truths that lie at the bottom of national as well as individual progress, the nation loses its power, its strength is gone, its life is in danger.

These great foundation principles that were so wonderfully exemplified in the life and character of Judge Ellett, are the basal ideas that perpetuate the life of all nations. Without them there is no progress; indeed, there is no permanency.

Athens now has the same generous sun which warmed the genius and virtue of Aristides, and shone upon the immortal works of Phidias. Her skies are as blue and her sunsets as radiant as when Paul stood upon Mar's Hill, but her virtue dethroned, her patriotism forgotten, her learning obscured—she lives only in the record of her departed glory, and the magnificence of her past is only told by her mouldering ruins.

The virtue, the patriotism and learning of our departed brother and friend have built in the hearts and affections of the people of Tennessee and of Mississippi a more enduring monument than brazen pillar or marble column. It is a monument that commemorates all that is pure, noble and exalted.

While the virtues of our friend will live, while his ability and learning have been impressed upon the legislation of the country, while his splendid attainments as a lawyer and a judge will adorn our law books, still, like us, he was but mortal, and we today mourn his death.

“The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour,
The paths of glory lead but to the grave.”

A FOREIGN TRIBUTE.

Mr. M. B. Trezevant then read the following letter of tribute to Judge Ellett which he had received from Mr. A. W. Otis, now of New York, but who was at one time a member of the Memphis bar. Mr. Otis writes:

“Who can contemplate the glorious career of our dear brother, not ended, indeed, but rather just begun, and, loving him as we do, remain silent when our hearts are filled to overflowing with the memory of his virtues?

“Oh, that the youth of the land, and especially the younger members of the bar, could forever emulate and strive to reach the full measure of moral greatness so conspicuously exemplified in his daily walk.

“Brethren of the bar, is there one of us who will not be the better if we shall make him the pattern of our lives? He has gone from our midst in the zenith of his fame, ‘but his works do follow him.’ He has fought the good fight. *Requiescat in pace.*”

On motion of Gen. Chalmers, the chairman was authorized to appoint members of the bar to present to each of the courts copies of the resolutions adopted at this meeting.

On motion of Mr. W. A. Collier, the resolutions and speeches were ordered printed in pamphlet form. J. B. Heiskell, W. A. Collier and H. C. Warriner were appointed to have the work done.

On motion of Mr. T. B. Edgington, the address of welcome delivered by Judge Ellett just before his death was ordered incorporated in the pamphlet.

TRIBUTE OF MISSISSIPPI ATTORNEYS.

JACKSON, MISS., Oct. 17.—A bar meeting was held in the Supreme court-room, this evening, in honor of the memory of Judge H. T. Ellett, of Memphis, and Hon. O. Reynolds, of Aberdeen. Judge J. Q. Arnold, of the Supreme Court, presided. A committee, not yet announced, was appointed to draft suitable resolutions and report to an adjourned meeting to be held the first Monday in January.

Meeting of the Bar of the State of Mississippi, held in the Room of the Supreme Court, at Jackson, Miss., Jan. 2, 1888.

Judge Wiley P. Harris, as Chairman of the Ellett Committee, submitted the following report, which was read by the Secretary, and adopted:

The committee appointed to prepare suitable resolutions touching the life and character of the late Henry T. Ellett, report:

THAT WHEREAS, The people of Mississippi, while claiming the honors reflected upon the State by the distinguished and useful life of their former fellow-citizen, the lamented Henry T. Ellett, acknowledge with gratitude the benefits she received from his public labors in her behalf; from his instructive example and his extraordinary talents exerted in many forms, in improving and illustrating her laws and institutions; therefore,

Resolved, That we hold in grateful remembrance the public services of Henry T. Ellett, rendered to the State of Missis-

issippi as a legislator, enlightened, thoughtful and judicious; in the revision and adaptation of her laws; and as a judge of her highest court; and that as members of the legal profession we cherish his memory as of one who fully illustrated its dignity and value by his talents and profound learning, his graceful accomplishments, the elevation and purity of his character, his genial temper and his ready and helpful kindness.

Resolved, That we render to his memory the tribute of hearty admiration and gratitude for services so great and varied; for a life so stainless and so useful; and tender our condolence and sympathy to his family.

Resolved, That the Secretary transmit a copy of these resolutions to the family of the deceased, and cause them to be published in the newspapers of this city and the city of Memphis; and that the Supreme Court be requested to cause these resolutions to be spread on its records.

W. P. HARRIS,
W. L. NUGENT,
J. W. C. WATSON,
STEPHEN B. THRASHER,
WILL. T. MARTIN,
J. S. HAMM,
Committee.

Judge Harris, in submitting the resolutions, dwelt at length on the well-rounded and beautiful character of Judge Ellett, and presented some reflections on the relations of the legal profession to society and government, which should be preserved in more enduring form than in the memory of those so fortunate as to hear him.

The meeting then adjourned, *sine die*.

Bar meetings were held in other counties in Mississippi.

REMARKS OF COL. C. W. FRAZER

Presenting the Bar Resolutions to the Circuit Court of Shelby County.

In presenting the bar resolutions on the death of Judge Ellett to the Circuit Court, Col. C. W. Frazer said :

May it please your Honor, I have in my hand some immortelles which I am instructed by the bar to place upon the monument of Judge Ellett—a monument which is neither of marble nor of brass, but was built in the hearts of those who had the honor and the pleasure of knowing the purity, goodness and grandeur of an incomparable character.

This character has left its impress for good upon all who have met him, and to emulate his virtues should be their duty.

The bar had a peculiar affection and admiration for Judge Ellett, and I know how it was appreciated and reciprocated. When it was at sea upon his refusal to allow his name to go before the convention, three gentlemen resolved to place the matter before him in its true light; to give him its sentiments, knowing that his great heart could but respond. His eyes moistened, and rising he said; “I cannot stand this; I will make the sacrifice, and while you know that I cannot scramble for any office, you may use my name.” A scramble where he was was impossible. He was nominated by acclamation, and his election was a foregone conclusion. We all remember his acceptance. “If elected I will give you the best efforts of my life,” and the history of the Chancery Court shows how well he redeemed his promise.

His death was a public calamity, and a personal one to every member of this bar, and I ask that these resolutions of the Cotton and Merchants’ Exchanges, the Jacksonian Club and of ours, echoed in the hearts of the people, be ordered spread upon the minutes of your honor’s court, that our small tribute to his great worth should appear where he would most have desired it, and that those who come after us may mark the spot where he carved his name.

REMARKS OF GEN. JAMES R. CHALMERS

Presenting the Resolutions to the Criminal Court of Shelby County,
October 26, 1887.

Gen. Chalmers said :

If your Honor please, I rise in obedience to instructions from a bar meeting, held in this city on the 22d day of October, 1887, to ask that the resolutions of the members of the bar, together with those of the Cotton and Merchants' Exchanges and of the Jacksonian Club, which were adopted at that meeting as testimonials of our respect for the late Judge Ellett, may be spread upon the minutes of this honorable court.

Henry Thomas Ellett was born in Salem, N. J., on the 8th day of March, 1812, and died in Memphis, Tenn., on the 15th of October, 1887, as was well said by Hon. C. W. Heiskell in his eloquent preamble to the bar resolutions, "in the presence of assembled thousands, who had just listened to his eminently appropriate, eloquent and patriotic address of welcome to the President of the United States."

He graduated with distinction at Princeton College, and after having obtained a license to practice law removed to Mississippi and became a citizen of that State. The seeds of political discord between the North and South had then been sown and had begun to germinate, but had not ripened into that intolerant sectional hatred which eventually fired the hearts of Northern and Southern men against each other—which came near producing secession in 1851, and which, ten years later, culminated into the greatest civil war of modern times. At the time when Henry T. Ellett came to Mississippi, and for many years after, young men of education from the North were welcomed as citizens, and often highly honored with official positions in the South.

There were three counties in South Mississippi—Adams, Jefferson and Claiborne—lying next to each other, each fronting on the Mississippi, then the great highway of travel and commerce, each then famous for its production of "petit gulf cotton," and each possessing a climate where the air in spring-time was heavily laden with the rich perfume of the magnolia trees growing spontaneously in the forests, and they were at

an early day settled with families of wealth, education and refinement. Into these three counties there came, within a few years of each other, four remarkable young men from the North, who were long and intimately associated with each other at the bar; whose forensic contests are still remembered as the battles of intellectual giants, and whose names will be forever linked with the name and fame of Mississippi in the days of its legal and political purity—Prentiss and Quitman of Adams, Clarke of Jefferson and Ellett of Claiborne. The first and most widely known of these, Sargent S. Prentiss, the boon companion and matchless orator, who made the name of Mississippi famous by his speeches in Congress, as her representative, was from Maine. The second, John Anthony Quitman, the hero of Chepultepec and of the Belen Gate of the City of Mexico, who was distinguished as a Chancellor, a Governor and a member of Congress from Mississippi, was from New York. The third, Charles Clarke, a veteran of the Mexican war, a hero who fell desperately wounded at the battle of Shiloh and again in the siege of Port Hudson, who was the last war Governor of Mississippi and afterward a distinguished Chancellor of that State, was from Ohio. The last and youngest, Henry T. Ellett, the thoroughly-equipped scholar, the accurate lawyer, the faultless gentleman, the true christian and splendidly-balanced man, who represented Mississippi in Congress, in her State Senate and in her High Court of Errors and Appeals, was from New Jersey. It is no disparagement to Judge Ellett to say that he was not the equal of Prentiss as an orator. But few men were, if any man ever was, his equal. The great orator of South Carolina, William C. Preston, who was called the “inspired declaimer,” and who was certainly one of the great orators of the United States Senate, was president of the South Carolina College when I was a student there, and in a lecture to my class on rhetoric he said that Sargent S. Prentiss was the greatest orator who had ever lived in ancient or modern times—that he possessed “the polish of Cicero, the action of Demosthenes and the magnetic power of Patrick Henry.” Prentiss was grand and princely in everything that he did. His faults were as great and glaring as his virtues,

but, like a volcano, his dazzling eruptions were self-consuming, and he passed away in early manhood like a fiery comet, which startles the earth for a brief period with its brightness and then vanishes as it came. He was worshiped by troops of devoted followers and admirers, but his brilliant, seductive and erratic career proved to be an "*ignis fatuus*," luring to his destruction many a bright young man who attempted to follow it.

Henry T. Ellett, on the other hand, lived to a ripe and virtuous old age, shining like a fixed star, shedding its pure and gentle light night after night, year after year, with unfading effulgence and unwavering steadiness, until he became a pole star in our firmament, by whose rays the feet of the rising generation may be guided with unerring certainty in the pathway of truth, virtue and greatness.

Quitman and Clarke were born leaders of men, who shone with distinction on the battle-field and in the fierce conflicts of political strife, and it is no disparagement to Judge Ellett—the man of peace—to say that he was not their equal in these respects.

He did not possess any of the military ardor and dash of Gen. Quitman, nor that indomitable energy and unyielding tenacity which made Gov. Clarke famous both in civil and military life, but in clearness of perception, in calmness of judgment and dispassionate action, he was perhaps the superior of either. The military ardor and dash of Gen. Quitman involved him to such an extent with those daring spirits who, in 1850, contemplated the capture of Cuba, that he was arrested by the United States government while he was Governor of Mississippi, and tried in the United States Court at New Orleans for this offense. The unyielding spirit of Gov. Clarke made him refuse to allow the United States flag to be hoisted over the Legislature of Mississippi, assembled in the State House at Jackson, immediately after our surrender in 1865, and for this he was arrested by the United States government while Governor of Mississippi, and imprisoned in Fort Pulaski. Judge Ellett possessed too much of that "calmness of soul" which was said to be the great distin-

guishing feature of William of Orange ever to have become involved in any such difficulties. But Prentiss, Quitman, Clarke and Ellett were all great men, and men who the sons of Mississippi will long delight to remember and to honor. Like sturdy oaks from the North, transplanted in the South, they not only took root in our genial soil, but gathered new strength from the change and continued to grow until their wide-spreading branches added new beauty to the Southern landscape and cast refreshing shade over all that came within their reach.

In 1846 Judge Ellett was elected to Congress from Mississippi to fill the unexpired term of Jefferson Davis, who had resigned his seat to take command of the First regiment of Mississippi Volunteers in the war with Mexico, and while there his spotless purity of character and his exquisite neatness of person won for him the title of "the gentleman of the House," and marked him through life as "the gentleman" in every position to which he was called. He was honored with a renomination to Congress, but declined it, because he had no taste for political life, and for the same reason he declined a seat in the Confederate States Cabinet, which was tendered to him by Jefferson Davis under most flattering circumstances. But while Judge Ellett did not desire political office, he lived in Mississippi at a time when every lawyer was expected to represent his party as a speaker in every political canvass, and up to his death Judge Ellett did his full share of duty in this respect. He was a strict construction, State's rights Democrat, and as such was elected to the convention which passed the ordinance of secession, January 9, 1861, and took his full share of responsibility for that act. Lord Campbell, in his *Lives of the Lord Chancellors*, has expressed the regret that so few of the English judges had contributed anything to the parliamentary reform of the laws of their country. This complaint cannot be made of Judge Ellett. He was for many years a member of the State Senate of Mississippi, where he contributed largely and wisely to its legislation, and was one of three great lawyers—Sharkey, Harris and Ellett—who framed the code of 1857, in which many important changes were made in the laws of

Mississippi, and it can be truly said that he has written his impress upon the laws of Mississippi, not only in the opinions which he pronounced as High Court Judge, but in the statutes which, as a codifier and legislator, he originated and helped to enact. For, if I remember correctly, he was chairman of the Judiciary Committee of the Senate when the code of 1857 was enacted.

In 1865 he entered on his duties as judge of the old High Court of Errors and Appeals, and in 1867, being unable to take the "ironclad oath" which was required of him by the military governor of the State, he resigned, moved to Memphis and became a citizen of Tennessee. Mississippi gave to you an honored son, and for twenty years you of Tennessee have known him, have loved him and have honored him as we of Mississippi did before you.

In 1886 you made him Chancellor of this district, and the ease, dignity and profound learning with which he administered the duties of that office won for him the confidence, respect and esteem of lawyers, litigants and the whole body of the people; and the vast concourse of mourners who recently gathered in silent tears around the open grave showed that it was no holiday parade gotten up for display, but the spontaneous outpouring of the deep and heartfelt grief of a stricken people.

When I first heard that Judge Ellett had been selected to deliver the address of welcome to the President, I am frank to say that I thought he did not possess that popular style of oratory best suited to such an occasion, and that a mistake had been made in his selection. But as I listened to him and heard sentence after sentence fall from his lips, so clear, so forcible and so eminently appropriate to the occasion, I felt that I had misjudged the man. I had known him for years. I had heard him often before juries, before chancellors and supreme judges, I had heard him in the State Senate and on the stump, but I never knew the reserve power and resources of the man until I saw him rise to the dignity of that great occasion. I never realized the full stature of the man until I saw and heard him face to face and measured him intellect-

ually with the President of the United States. He fell dead, stricken with heart disease, almost immediately after closing the greatest speech of his life. To us who are left to mourn over his loss it was a sad bereavement. But to him who was prepared to go and who had passed his three-score years and ten, it was a great and glorious termination of a long and well-spent life. It was a sudden death, but not that sudden death which overwhelms the unrepentant sinner, unprepared to die, and against which we are taught to pray in the litany of the church to which he belonged. He had made his peace with God and man, and stood waiting the call of his Master, with his lamp trimmed and filled, ready for the voyage through the dark valley of death to the bright fields of heavenly rest which lie spread out beyond it. He had just welcomed to the South the first President who, for more than a quarter of a century, was acceptable to him and his party. The glad shouts of rejoicing thousands applauding his successful performance of this pleasing duty were still ringing in his ears. Like Lord Chatham and ex-President John Quincy Adams, he died with his harness on, and like Nelson at Trafalgar, his spirit was borne from earth to heaven amid the joyous shouts of friends.

“It is a fearful thing
To see the human soul take wing
In any shape—in any mood.”

But when it must be done, it is better it were done quickly. “Let me not die by inches” was eloquently said by the gifted Preston. It was the oft-repeated wish of Judge Ellett, and his heavenly Father heard and answered his prayer. He was a christian in the highest and fullest sense of the word. But his christianity was free from every semblance of harshness, and was of that charitable, genial and happy kind which teaches men to become as little children and to approach the throne of God with the smiling face and trusting confidence of a happy child approaching a kind and loving father. Judge Ellett was full of charity, gentleness and sweetness of character, and Judge Hammond, in his chaste and beautiful address at our bar meeting, well said that “the sternest man may well unite feminine sweetness of character with the manliest vir-

tues." These qualities were united in Judge Ellett in a remarkable degree. The manliness of his character was evidenced by the great order and decorum always observed in his court-room. This was not the result of severe discipline on his part, but of the respect which his presence commanded. There was no harshness, there was not even stiffness in his court. The older members of the bar were easy in the assurance that every right and courtesy due them would be freely accorded them, and the youngest and most timid felt that in the chancellor he had an elder brother, who would kindly extend a helping hand and lead him safely through places of difficulty; and the great decorum in his court was due to the fact that each man felt he was in the presence of a manly spirit and a master mind. The feminine sweetness of his character was best displayed in his association with ladies and children, and was most beautifully illustrated in almost the last words of his dying speech. When he had concluded his welcome to the President, and desired to extend an equal welcome from the ladies of Memphis to his wife, instead of turning to her and putting her in the unpleasant position of being publicly gazed at, while she was being publicly addressed, with that refined gentleness which adorns as much the masculine as the feminine character, he requested the President to convey to his wife the welcome greetings which he bore to her from the ladies of Memphis. And now when we look back to almost his last words, invoking a blessing on the wife of the President, we seem to be reading an epitome of his own beautiful life. He said: "May all her ways be ways of pleasantness, and all her paths peace," and in this we are reminded of him; for all his ways were ways of pleasantness, and his paths were eminently paths of peace. But he is gone. No more shall we listen to his timely jests and his merry laugh in the social circle. No more shall we hear his cheery witticisms as we sit around the festive board at a bar supper. No more shall his sweetness of character win the admiration of the gentler sex. No more shall his manly utterances on the hustings arouse patriotic emotions in the breasts of his fellow-men; and no more shall his cogent reasoning and sound judgment win the admiration even of counsel against whom he decided. He

has passed from earth to heaven, and sits in the place appointed for the righteous and just. We write down the births and deaths of our family in the Holy Bible as a solemn record, and we trust that when we are gone some loving hand will make up the final record for us. So it is meet, right and proper that the legal births and the deaths of each member of the bar be placed by some friendly hand as a solemn record on the minutes of the court. This last sad service must now be performed for one whose career is ended and of whom the record must now be closed.

With the hope that his spirit is hovering over us, and that his gentle face is smiling upon us, and with a heart full of all the love and affection that a younger can feel for an elder brother, I now ask that these resolutions touching the life, death and character of Henry Thomas Ellett be spread upon the minutes of this honorable court.

REMARKS OF WILLIAM M. RANDOLPH

Presenting the Resolutions to the United States Circuit Court,
December 3, 1887.

Mr. Wm. M. Randolph said:

May it please the Court, I have been appointed to present the resolutions adopted by the members of this bar upon the occasion of the death of Hon. Henry T. Ellett, late Chancellor of the Chancery Court of Shelby county, which I now accordingly do, and ask that they be spread upon the minutes of the court as a testimony of the high regard in which he was held by those with whom he was most intimately associated, and who, perhaps, were best qualified to estimate him at his true value.

The circumstances attending his death were most remarkable. In the presence of thousands of his fellow-citizens he had just delivered an address to the President of the United States replete with good sense and marked by the most exquisite taste. In delivering it he showed no sign of physical infirmity, and what he said leaves no doubt that he was in the enjoyment of all his great mental faculties. But in a moment he was dead. Without warning of any kind, he was

suddenly called from life to death. I had almost said his death was melancholy, but would that not have been a mistake? Was it not a fit time and place to die, a glorious occasion? Who can say Judge Ellett would not have selected the very death which, so unexpectedly to all of us, came upon him? In the enjoyment of apparent good physical health, in the possession of an undimmed intellect, having the profound respect of all who knew him, with a past life on which no stain and no blemish rested, and full of years and of honors, who can say such a death was not a blessing in disguise?

For myself I must say, may it please your Honor, that no death outside my immediate household ever affected me more than did the death of Judge Ellett. I knew him intimately and well as a judge, spending the larger part of my time in his court when it was in session. I observed him closely on the bench, and listened with the most careful attention to all he said while discharging his judicial duties. Though not an old man, I have practiced before a great many judges, and without disparaging any of them in the least, I think that I may say, taking him all in all, I never knew as perfect a judge. Learned far beyond most men, with a clear and quick understanding, a sound judgment, a love of justice which knew no turning, and a fund of common sense adequate to all occasions, he was pre-eminently fitted to dispense justice. When to all these great qualifications I add that he was ever kind and courteous, never out of temper nor even morose, and while firm and unyielding in his opinions, was always willing to listen attentively and patiently to argument, however unnecessary it seemed to him, it may easily be seen why he had the love and respect of the members of the bar without exception, and why every one of them entertained the most profound respect for his judgments.

I cannot speak of Judge Ellett otherwise than as a judge and lawyer, because I did not know him well except in those relations. But he was too good and great in what I knew of him to be small or indifferent in anything. In responding to the resolutions of the bar on the occasion of the death of Chief Justice Marshall, after noticing particulars of his career, Judge Story said: "But above all he was the ornament of

human nature itself in the beautiful illustrations which his life constantly presented of its most attractive graces and most elevated attributes." May I not truthfully employ the same language in speaking of Judge Ellett?

I am sure I shall always remember him as I knew him with pleasure. Always well dressed and neat, always affable and agreeable, never intemperate in anything, never despondent, but always cheerful, he was to my conception a model gentleman.

"Age sat with decent grace upon his visage,
And worthily became his silver locks;
He wore the marks of many years well spent
Of virtue, truth well tried, and wise experience."

Even when I gazed upon him for the last time in his coffin he seemed the same perfect man as in life. There was not a distorted feature to mark the track of death. He looked as if he had left the world in perfect peace, and without a single pang or a single misgiving as to the world beyond.

While we may not look upon his like again, we have his life before us, an illustrious example of what may be accomplished by the proper efforts constantly persevered in, and the influence of such an example cannot be lost.

REMARKS OF HENRY CRAFT,

Presenting the Resolutions to the Chancery Court of Shelby County.

If the court please, I come to present the memorial resolutions by which the bar of Memphis expressed their feelings on the sad occasion which draped this chamber in these emblems of mourning, and to ask, in the name of that bar, that they be spread upon the minutes of this court. In view of the exceeding appropriateness of the resolutions themselves, and of what has already been said, and said so well, by others, I ought, perhaps, to let my mission end with the simple announcement of its purpose; but I know that your honor will indulge me while, in this place and this presence, I offer, in few words, my personal tribute to a cherished memory.

Almost we can see Judge Ellett now, as punctual to the moment he entered at that door; as he sat—an embodiment

of courteous dignity—upon that bench; as he delivered his clear, concise and pertinent opinions; as he listened, with so much patience, to the proceedings of the bar; as we heard his words of greeting and pleasant converse when official work was done. The cordial hand-grasp, the immaculate dress, the cheery voice, the unbent figure, the whole quiet, easy, gentle look and bearing of the man, come up before us and live again, to intensify our realizing sense that he has gone away forever.

Eminent in all his walks of life—in legislative halls, on the hustings, at the bar, on the bench—and pre-eminent in the social intercourse of his home, and of all the circles in which he moved, he lived (to quote the graceful words which were almost his last) “to constantly win golden opinions from all sorts of people.”

“Nevertheless, man being in honor, abideth not.” The most profound of moral philosophers wrote: “There is a time to die.” This was not merely a declaration of universal mortality. It was the inspired utterance of the sublime truth that all issues, great and small, are under the ordering of an infinite will and an all-wise purpose. A time to die! A boundary beyond which the life-tide of the individual may not go—a limit to all the energy and activity, and effort, and achievement which stir the world. A time to die—to go away from the places that we know; go away into an “undiscovered country”—away, forever. Judge Ellett was too wise not to know, as a personal reality, that there is a time to die. He often

“Walked thoughtful on the solemn, silent shore
Of the vast ocean he must sail so soon.”

He did not contemplate the voyage with fear. He did not shrink from the inevitable, but calmly, cheerfully he held the even tenor of his way.

Have you, in the bright evening of an autumn day, seen the light film of vapor pass athwart the sun, and felt the chill of an icy breath mingling with the flushed Indian summer air—a premonition of the coming winter? So, ever and anon, in the lengthening shadows, the aged frame is touched, even while the sun is bright, by a breath wafted from the beyond;

so come to the old man premonitions of the end, even while the music of life's voices still thrills upon his ear. Those who knew Judge Ellett well have not failed to see sometimes the light cloud upon his face, and catch the occasional undertone of sadness in his talk. The prayer of Israel's psalmist was: "Lord, make me to know mine end, and the measure of my days, what it is, that I may know what time I have here." Mercy's hand wove the veil that conceals the end from our sight, yet who does not understand the psalmist's desire to "know what time I have here"?

For the early dead, and for those who go down in the full vigor of the midsummer working days, we may feel that there was appointed an inscrutable time—an untimely time—to die; but when three-quarters of a century have been given; when so many thousands of days have touched with such gentle fingers that only loving traces have been left on the form and feelings; when the whole long life has been prosperous and healthful and happy, is it not a time to die? Judge Ellett had won what any life would be well spent in winning, and what, having won, any man might willingly die, even before his time, lest some evil happening should mar its symmetry. From the topmost round of a completed life his spirit mounted to the broader vision and the higher heights. O, it is victory over death so to part company with mortal environment! While we rejoice in the life that ended thus, let us also rejoice in the euthanasia that ended such a life!

Do we realize that from day to day we impress upon the thoughts and memories of those who know us images and reflections of ourselves more full and accurate than are sun pictures made through the camera? Think of any one with whom you come into habitual contact, and observe the imprint of his likeness, as to body, mind and character, which you have unconsciously retained, and note how much confidence you feel in the accuracy of that likeness. Estimates thus formed are not, perhaps, always as uniform as that which has been expressed of Judge Ellett, for he was as open as the day. He had an equable temperament and remarkable sweetness of disposition and purity and kindliness of heart.

These, co-operating with a sound body and uniform good health—perhaps as cause, perhaps as effect—made him emphatically lovable and beloved. He did not stand apart in the isolation of any real or fancied superiority, but moved among the duties, the pleasures and the associations which surrounded him as in his native sphere. When a member of his family who had been on a visit to his house was going away, and at the carriage door, he told her to go back and take leave of the servants, if she had not already done so. Once in a crowded street car, when a colored woman came in, looking weary and feeble, with all his frank courtliness of manner he rose and gave her his seat.

In my last conversation with him I said: "Judge, of course you know that you are giving great satisfaction to the bar as chancellor?" Turning his eyes full upon mine, he said: "Do you mean that, or is it only said in kindness?" When, with much earnestness, I repeated the assurance, he replied: "Yes, the lawyers have been very kind in their commendation, but it gratifies me greatly to know, in the way that you tell me, of their favorable opinion." This was in last July. I never saw him again.

I went to the Princeton law school from Mississippi in 1847. Very soon Judge Field, one of the professors, inquired if I knew Henry T. Ellett, who had gone to Mississippi from New Jersey. He said that he had been Mr. Ellett's law preceptor, and predicted for him a brilliant career. When I came away he sent to Judge Ellett by me a book, of which he was the author, and this book introduced me to Judge Ellett's acquaintance. I delivered it to him in person in Jackson, Miss., where he was a member of the State Senate. When I saw him first he was making a speech on the floor of the Senate. His manner then was just what we have known it here—earnest and forcible, calm and clear, dignified and easy; and his brother senators were listening with fixed attention.

He was simple in his nature, in his habits and in his conduct. He was a practical man, and entered with thorough enjoyment and zest into the affairs of the practical world. He did not dream dreams nor indulge in moods. That he

had ideals ever before his inner consciousness we cannot doubt. He brought from his private communing with them the lofty spirit and purpose of his life. But they belonged to the sacred shrine of that inner consciousness to which he always went alone. He was very familiar with what we call "classic literature," both ancient and modern, but he seldom, if ever, drew upon it in his own writings or speeches. It was stored in his memory, and came out richly, by allusion and quotation, in social intercourse, and in response to suggestion or inquiry from others. But if he used it at all for the expression of his thought, in speaking or writing, it was as it had, by assimilation, entered in new form into its own mental processes. So, too, while humor sparkled in his conversation, no trace of it found place in his formal composition, either oral or written. In him the practical was too controlling to admit either ornament or scintillation into practical affairs, and his rigid taste excluded all that might savor of pedantry.

As he was practical in everything else, he was practical also in his profession. He looked upon the law in its workings rather than in its theories, and he found principles in the decided cases, not in his own speculations. Some ambitious theologians seek to investigate divine things from the upper side, and some ambitious skeptics wholly discredit divine things because they cannot investigate them from the upper side. Practical religion looks to such things as they are usward turned, and is content to know so much of them only as may lie within the scope of reason's vision, or within the reach of telescopic faith. Some lawyers seek to look upon law from the abstract side and mold it into the shape of their own theories. Judge Ellett was content to know it as it affects the relations of men, and measures their rights and remedies. Nothing was more marked or more attractive about him than his repose. He was never hurried and never flurried—was always calm, self-contained and self-possessed. His professional preparation was exceedingly deliberate, but when his work was done it had been so faithfully done that he could not improve it. He was laborious, thorough and

methodical. His papers were models of perspicuity and neatness—orderly in their sequence, logical in their cohesion and always to the point.

He was not a man of genius, for genius is abnormal development in one direction at the cost of corresponding loss elsewhere. About Judge Ellett there was nothing abnormal. Beyond most men, he was full-orbed and completely rounded. With too much self-respect to be an egotist, and too much pride to be arrogant; with too much wisdom to be intolerant, and too much taste to be ostentatious; with too much heart to be selfish, and too much head to be prodigal, he walked in the safe middle way between all extremes. Kind, he was not weak; dignified, he was not austere; genial, he was not frivolous, and, fixed in his principles and convictions, he was not dogmatic.

“Tho’ deep, yet clear; tho’ gentle, yet not dull;
Strong, without rage; without o’erflowing, full.”

He was old, but, to borrow words which Dr. Parker spoke of Mr. Beecher, “The snow that lay upon him was the snow of blossoms.” If a word of unkindness or disparagement, of criticism or censure has ever been uttered in regard to him, it has not reached my ear. Where truth is eulogy, eulogy is easy.

Under tension too great the silver cord was loosed. Under pressure too strong the golden bowl was broken. The pitcher was broken at the fountain, the wheel was broken at the cistern, and the dust has returned to the earth as it was. If there be those who look upon his christian faith as a superstition and upon his christian hope as a delusion, I leave them to contemplate the dark picture they would paint—the picture of a noble existence swallowed up in endless night. Let us linger over that faith as the substance of things hoped for, and the evidence of things not seen. Let us regard the dissolving of the earthly house of this tabernacle only as a removal to the house not made with hands, eternal in the heavens. Let our thoughts go out toward what eye hath not seen, nor ear heard, and what hath not entered into the heart of man. Let us gather about the portals of the grave as they close upon the mortal, and catch a view of the portals of

the other life as they open to receive that which cannot die. Within those portals must be unending progress, unmeasured development and the ever-increasing vigor and strength of eternal growth. Summitless heights must be there for those who would climb. Unbounded landscapes of joyous light and beauty must be there for those who have no thirst which the peaceful stream of love cannot slake, and no capacities which quiet happiness cannot employ. Infinite variety and infinite adaptation must be there. Abide for us, O light of that blessed faith, upon the mound that marks the resting-place of our friend. Stream out from the darkness of that grave, O radiance of that blessed hope, to comfort and to guide, to admonish and to inspire those who mourn his loss now, and who, in their time, must become tenants of like narrow beds, and take their journey into the same illimitable future.

From the *Avalanche* of October 16, 1887.]

THE DEATH OF A NOBLE MAN.

Something About the Life and Career of Judge Ellett—A Northern Man Who Came South and Grew Up With the Country Universally Honored.

The sad and sudden death of Judge Henry T. Ellett has cast a gloom over the entire city. Yesterday morning, while President Grover Cleveland was replying to the eloquent speech of welcome made by the Judge, the deceased fell to the floor of the platform in Court Square, stricken with paralysis of the heart, and ten minutes later he was dead.

The President cut short his speech, and Mrs. Cleveland gazed upon the prostrate form of the orator of the day with an expression of painful sympathy on her beautiful face. The reception at the Cotton Exchange went on, but there seemed to be a sadness overspreading the proceedings.

The Hon. Henry T. Ellett was born seventy-five years ago, in the town of Salem, N. J. He attended a district school until he passed the entrance examination for Princeton College. There he was always one of the brightest scholars, and after a few years' hard work at his Blackstone he graduated first in his class.

In the early part of 1837 the honored Judge, then but a young man, made up his mind to build name and fame in the South, so he traveled by boat to Port Gibson, Claiborne Co., Miss., where he took up his residence. He practiced law there one year and then returned to his native town to marry the girl he loved in his boyhood days. He brought her to his Mississippi home, where they lived in happiness until her death.

Four children blessed this union—two boys and two girls.

The deceased married a second time, a daughter of Col. John B. Coleman, of Port Gibson, being the woman of his

choice. Four more children graced his home as a result of his second marriage, all of whom are living. He came to Memphis in December, 1867, immediately after his resignation from the supreme bench of Mississippi because he refused to take the "iron-clad oath."

THE MAN AS HE WAS.

The heart of the great public was deeply touched when it learned of the great man's dying with the harness on, with the full round of years and labors and honors complete.

Who would wish to change the wondrous climax in this great citizen's life—so ended in the presence of the vast multitude which had put upon him the responsible task of representing them in welcoming the Chief Magistrate and his wife and tendering them the freedom of our city?

Today this vast city, that on yesterday, in the gladness of her people, made the streets and alleys, her mansions and cottages, her public places and private homes bright and joyous, today, with sad hearts and tearful eyes, weeps the laying down of life's armor and the passing away from among us of the great chancellor and exalted man.

May we not recount his toils and labors and works, that the youth and manhood of our land may catch the inspiration of his virtues, and in a life well spent imitate the illustrious model?

He came from a Northern home, when quite young, and by labors abundant, by energy untiring, by industry incessant, and by uprightness of life, entered upon a career full of promise and hope under the old regime.

His standing at the bar amid those splendid names that adorn the annals of Mississippi speak well for his ability and long hours of preparation.

Let no man of Northern birth ever question that the heart of the South opens up in all its generous hospitality and chivalrous greeting to the youth and worth and manhood of the North. Among many others, let the names and fame and honors of Quitman, and Prentiss, and Ellett, attest its open-heartedness and high esteem for worth and merit and manhood.

In 1846, when Mr. Davis was made colonel of the First Mississippi regiment, and started for the scenes of war upon Mexican soil, he resigned the position of congressman, and the people of that district sent the modest young lawyer of thirty-two years to fill his place. How well he did this, all who knew him there bear witness to his gentlemanly excellence, his modest worth and faithful discharge of the duties of the place. At the end of his term he did not seek further preferment, but addressed himself right manfully, and ably, too, to his profession, yielding now and then to service in the State Legislature, ever moving onward and upward in his professional career. In the prime of vigorous manhood's meridian powers, when near fifty years of age, when the great struggle for constitutional liberty was remanded to the wager of battle, he gave all his sympathies and abilities and powers to the preservation of constitutional liberty, and cast his fortunes wholly and solely with his adopted State.

In the midst of this struggle, his State, holding fast the principles of civil liberty, and endeavoring to enforce in all her borders obedience to law, called him to the high place of supreme judgeship. Previously, he had been nominated by Mr. Davis, and confirmed by the Confederate States Senate, to a place in the President's cabinet, which he declined. In 1866 he entered actively upon the duties of supreme judge of Mississippi. In the latter part of 1867, the free people of Mississippi being retired from the management of their own affairs, he resigned the office he held and came to Memphis, Tenn., with two other distinguished Mississippians, and entered actively upon the practice of the law in the firm of Harris, Ellett & Phelan.

For nineteen years he pursued quietly, modestly, vigorously and ably the duties of professional life—known of all men for his modesty, his manliness and his great ability.

His splendid example as a lawyer in our city speaks volumes for his excellencies, his virtues, and the well-rounded beauty of his professional career.

When a little over one year ago the eyes of bar and people turned upon him for the high position of chancellor, with

great affection for the bar, with great loyalty to a people whom he loved, he consented to accept the office.

Realizing his advancing years, the responsibilities of the place, he made the sacrifice and sat upon that bench, and placed the administration of justice upon a lofty plane that has won the love and plaudits of an excellent bar, and the admiration and confidence of a noble people.

Let us never forget those memorable words that fell from his lips the day he was nominated by acclamation by an admiring people :

“ If elected,” said he, “ I will give you the best efforts of my life.”

How well has he fulfilled this promise—the carefully prepared opinions that expressed the results of his labors, giving satisfaction to lawyers on both sides in a degree rarely ever attained by chancellors, however able, mark a career in the field of equity jurisprudence that may well place him by the side of the Coopers and Walworths and Kents of America.

Out in bold relief stand the outlines of this beautiful character, this model lawyer, this upright jurist and eminent citizen—we have these great and modest men—they are the jewels of a nation’s pride.

In the annals of jurisprudence, in the forensic contests of our own State, in his modest worth as a citizen, he stands as the Parthenon among the wonders of Grecian architecture. Let us imitate his example, revere his virtues, and let his name and fame go down in the traditions and history of our people, that youth and manhood may be inspired with new enthusiasm and renewed energy in the building up of our moral and intellectual and material interests in the New South, realizing full well that it will take all the fire of young manhood, all the redoubled energy of the New South, all the toils and struggles and labors and excellencies of life, to reach the high goal where this eminent citizen and illustrious chancellor has marked the niche in the pantheon of fame. Farewell, illustrious chancellor, able lawyer, eminent citizen and noble man. May thy mantle fall on worthy Elisha’s, as the perfection of thy virtuous and beautiful life falls upon a weeping and loving people.

From the same paper.]

A TRIBUTE TO JUDGE ELLETT.

The death of no citizen in Memphis since many years has caused such a spontaneous and genuine outburst of grief as that of Judge Ellett, yesterday. He had long passed the fateful period of life accorded by the psalmist. The evening of his life was in harmonious blending with all that had gone before. At no time had his faculties ever been more alert, his eye brighter, his smile cheerier, his general bearing more dignified, gentler, kindlier, more graceful. His appearance suggested health, vigor and long days. No one who saw him on Friday in the light banter and kindly raillery of conversation in which his pleasant wit excelled, could realize that his lips would so soon be stilled in the unending silence.

The career of Judge Ellett has been full of events and happenings. He had seen much of life. He had played parts in many episodes, but from early youth to the last great scene when his noble spirit took its flight in the presence of so many thousands of those who loved and honored him, he has offered the example of a man whose noble character was always in process of a moral and intellectual development. The limit of his mental powers had not been attained, because his proud ambition ever set a new goal beyond that which had been attained. The moral character offers but little scope for development—here it is a question of expansion and elevation. Judge Ellett's moral standard was from the first exalted and pure. But whilst there was little field for moral progress in one who was born in integrity and raised in honor, the geniality of his character was shown in the sweetness and the mellowness of temper which grew with his growth. He lacked the harshness and repellant sternness which too often accompany rigid morality. Each year brought him into a more delicate, a gentler sympathy with the great world, with all its wild passions, unruly prejudices, its backslidings and its shortcomings.

Before the war he was a conspicuous member, not merely of the bar of Mississippi, but of the Southwest. In the early

days of the thirties and the forties the Southwest produced a class of legal lights whose brilliancy surpassed anything ever seen before or since. Judge Ellett went to Mississippi when life was at fever heat, when passion was fierce, when the example of the brilliant and erratic Prentiss had in a measure warped the standard of public life. Poindexter and Walker, Foote and Holt and Prentiss had raised high the banner of legal and political oratory. But added to this was a vein of wild recklessness which frequently found expression in the pistol, the cup and the card table. It was indeed a time of grand oratory and unbridled passion. Every young lawyer panted for a field to display his talents. The culmination of the career which danced before his eyes was to play cards and drink deeply all night, fight a duel in the morning, to beat Prentiss on the stump at noon and be elected to Congress in the evening.

Into this life Judge Ellett, a hale young lawyer, went, like Prentiss and Quitman, a Northern man. From the first the nobility of his character, the sincerity of his virtue, the force of his mind, the dignity of his bearing, were recognized. McClung, the bold, mad duellist, who wantonly and brutally insulted, and when in his cups was fond of provoking quarrels with men of quiet bearing, passed him by without a taunt and with expressions of deepest respect. Prentiss, who damned all Democrats in Mississippi as rascals, always excepted "that young fellow Ellett at Port Gibson." All loved and admired him in private life, all feared him at the bar and on the stump. He won his way over the hearts of those who wished to gainsay him. Everybody who knew him selected him as the type of the Southern gentleman. It is curious that so many of the typical leaders of the South before the war, and who were an embodiment of its fire, its eloquence and its audacity, should have come from the North. In Arkansas were Albert Pike and C. W. Adams. In Mississippi were Prentiss, Quitman, Robert J. Walker and Ellett.

It was remarkable that nearly every lawyer who came in intimate and appreciate contact with Judge Ellett always spoke of him as calculated to shine upon the United States

Supreme Court. There can be no doubt that this was the proper field for the natural bent of his talents. The suavity of his manner, his personal dignity, his even and serene temper, joined to his calm, dispassionate mind, and his thorough legal equipment, would have made him one of the greatest of American judges. In politics he was like Lord Mansfield in the House of Commons. His eloquence, his wit and his knowledge made him scintillate, but it was only on the bench that he shone with his true brilliancy.

Judge Ellett's political career was diversified. But he seemed to shun the wrangles and the desperate struggles of political life. According to one who spoke eloquently and feelingly of his memory at the bar meeting yesterday, he was elected in 1846 to fill out the unexpired term of Jefferson Davis, who had resigned. Though only a short time a member of Congress, he was frequently called "the gentleman of the House." The speaker might have added that he declined a re-election under peculiarly flattering circumstances. It was customary for the district in which he lived to rotate in the nomination. Under this rule, Judge Ellett would not have been entitled to the nomination. But the Democrats of the county which was entitled to it put him in nomination as its candidate. But he declined. He was unable to take his family to Washington on the salary, and he was not willing to be separated from them by so long a journey.

He afterwards went to the State Senate, of which he was a member twelve years. The time of service was short, and he was always within a few hours' travel of his home. He was also a member of the secession convention, and was for a time on the State Supreme Court. At the beginning of the war he was offered a position in the Confederate cabinet as Postmaster-General, but declined because of family requirements. The United States senatorship was nearly always at his command. After the war he removed to Memphis, where he formed a partnership with William L. Harris and James Phelan. The style of the firm was Harris, Ellett & Phelan. After Judge Harris died it was continued as Ellett & Phelan. Upon Judge Phelan's death Judge Ellett formed a partner-

ship with Judges Howell E. Jackson and B. M. Estes, under the style of Estes, Ellett & Jackson. Judge Jackson retiring the firm became Estes & Ellett, which being dissolved by mutual consent, Judge Ellett became associated with Mr. John P. Houston, and the style of the firm became Ellett & Houston. Last fall Judge Ellett was elected Chancellor of Shelby county, having been nominated by the Democracy by acclamation.

The lack of personal ambition has been one of the marked traits of Judge Ellett's character. His ambition was always tinged with an involuntary shrinking from turmoil and struggle, and a lack of willingness to undergo the self-sacrifices which a restless and successful ambition brings. On one occasion he was nominated by the Democracy of Shelby county for the State Senate three times in succession, but persistently refused to accept. But, whilst not a bitter partisan, he was always at the command of his party, and made for it sacrifices of personal comfort which he would never have made for his own ambition. When conventions gave promise of being stormy and debates acrimonious, wiser heads always asked Judge Ellett to preside, and when he consented he was always elected. The firmness of his rulings and his unfailing good humor invariably kept down hot words and hasty actions. The cheery, laughing intonations with which he frequently said the ayes or noes "evidently have it" acted like a charm. It compelled good humor. When Judge Ellett was selected to deliver the address of welcome to the President of the United States in behalf of the citizens of Memphis, it was felt that the choice had been happily made. The lack of bitterness in his partisanship was frequently remarked, and also the fact that he was personally beloved by members of all parties. The President was the first Democratic President in twenty-five years. He was traveling, not as a partisan, but as Chief Magistrate. One great object of his trip was to allay the spirit of sectionalism and draw together the bands of brotherly love and generous patriotism which unite the North and the South. A vast concourse of people from five States had assembled to greet him. The city was alive with color and all that could adorn and beau-

tify. It was a gala day, such as has not been seen in Memphis since it was a wild.

The speech which Judge Ellett made was equal to the highest, the noblest, the most glorious requirements of the occasion. He dwelt upon the angry days which were gone, and in words of lofty eloquence welcomed the new era of good will and generous fellowship which has come in. A distinguished Tennessean who heard him, and who had heard many of the great orators who made Tennessee illustrious before the war, said it was one of the chastest, the most beautiful oration he had ever heard—it was Ciceronian in eloquence and Addisonian in purity. Never had the serene dignity of his oratory shone forth more unclouded. His calm and majestic spirit was elevated high above the storms of passion and bitterness which have swept destruction between the two sections. He pleaded, not unworthily, not ignobly, but as if his own grand and wide-sweeping eloquence were a disembodied spirit, pleading the cause of reunion and renewed love at the bar of Heaven. When he closed he was followed by the President in a responsive tone. But the strain had been too great upon the delicate cord which bound the soul of the eloquent Tennessean to its earthly tenement. It gave way. And the thousand eager and upturned faces blanched when they saw that his spirit had fled. It was a grand, though a sad spectacle. Not by the slow wasting of disease and the decay of his powers, but with one rush as in a chariot of fire, before the startled gaze of a vast multitude, whose hearts were yet beating with the thrill of his own oratory, his spirit had taken its flight. It was a fit culmination to a career which had been great and impressive, and pure and lofty, exemplifying the harmonious blending of the worthiest attributes of the lawyer, the statesman, the judge, the christian and the gentleman.

As soon as possible after reaching Washington, the President addressed a letter of condolence to the bereaved widow of Judge Ellett, of which the following is a copy :

EXECUTIVE MANSION, WASHINGTON, Oct. 25, 1887.

My Dear Mrs. Ellett :

I cannot resist the impulse to express my deep and sincere sympathy with you in the terrible affliction you have sustained in the sudden death of your loved and honored husband.

I know I can write nothing which will comfort you in this trying hour, since consolation at such a time can only come from the heavenly source which permitted the grievous blow.

My immediate relation to your deceased husband, at the moment of his fatal stroke, seems to connect me so nearly with his death that the sad scene is indelibly fixed upon my mind.

The death of so good and useful a man is an affliction to the entire community in which he dwelt, and if there is any solace in the knowledge that many share your grief, or if there is consolation in the fact that the last words of the lamented dead, spoken in the presence of his neighbors and fellow-citizens, were full of noble patriotism and love for all his countrymen, this solace and this consolation you have in full measure. In this hour of your bereavement may God give you his support and the peace of mind which passeth all understanding. Mrs. Cleveland desires me also to convey to you her heartfelt sympathy and condolence.

Yours sincerely,

GROVER CLEVELAND.

NASHVILLE, TENN., Oct. 15, 1887.

Mrs. Judge H. T. Ellett, Memphis:

The Supreme Court authorizes me to say that all that is true, beautiful and good in learning, gentleness, purity and patriotism was typified in the life and character of your distinguished husband. His death is no less calamitous to the State than to the people of Memphis.

We tender our heartfelt sympathy in your bereavement.

W. C. FOLKES.

KNOXVILLE, TENN., Oct. 16, 1887.

Mrs. H. T. Ellett:

DEAR MADAM—I have just received the sad intelligence of the death of your husband, Chancellor Ellett.

I knew him and loved him. In your hour of sorrow and mourning you have every sympathy of my heart and mind.

Yours most truly,

P. TURNEY.

IN MEMORIAM—H. T. ELLETT.

After a deed well done,
In which he nobly spoke for all the South,
God whispered that his race was run,
And death has sealed his mouth.

As falls an ear of corn,
Ripened and perfect by the summer's heat,
So gently did the friend we mourn
His blameless life complete.

Full of the praise of men ;
Full of all honor, simple, pure and great,
He lived the perfect citizen,
The Hampden of the State.

No more his feet shall tread
These crowded thoroughfares they long had pressed,
He finds among the righteous dead
His everlasting rest.

Dying, he yet shall live ;
His faultless deeds, his kindness day by day ;
His perfect trust earth could not give,
And might not take away.

Light be the clods above thee, friend ;
God gave the sleep that on thine eyelids fell—
Till he shall bid thy slumber end,
Sleep on, dear friend, sleep well.

—NICHOLAS WILLIAMS.

THE END.



